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*San Francisco Planning Department*

# SAN FRANCISCO CRUISE TERMINAL MIXED-USE PROJECT AND BRANNAN STREET WHARF PROJECT

*Final Supplemental Environmental Impact Report*

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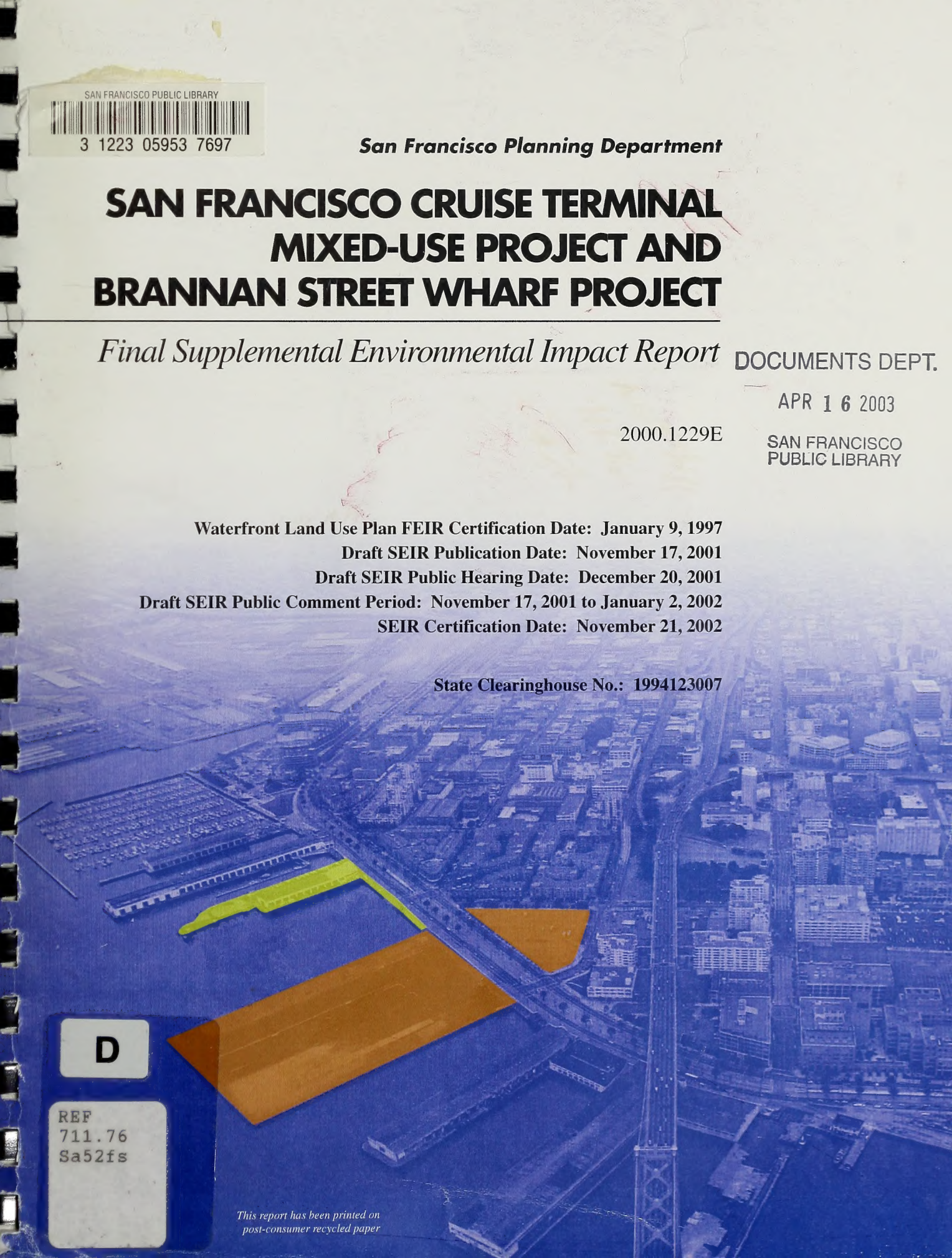
2000.1229E

**Waterfront Land Use Plan FEIR Certification Date: January 9, 1997**
**Draft SEIR Publication Date: November 17, 2001**
**Draft SEIR Public Hearing Date: December 20, 2001**
**Draft SEIR Public Comment Period: November 17, 2001 to January 2, 2002**
**SEIR Certification Date: November 21, 2002**

**State Clearinghouse No.: 1994123007**



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November 21, 2002

File No.: 2000.1229E
San Francisco Cruise Terminal Mixed-Use Project and Brannan Street Wharf Project
Assessor's Block 9900, Lots 30, 32, 34 and 36, Block 3770, Lots 1 and 2, and Block 3771, Lot 1

SAN FRANCISCO

CITY PLANNING COMMISSION

MOTION NO. 16480

**ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED MIXED-USE CRUISE TERMINAL FACILITY/RESIDENTIAL PROJECT, LOCATED ON PIER 30-32 AND SEAWALL LOT 330 AND A PUBLIC OPEN SPACE PROJECT, IN THE LOCATION OF PIERS 34 AND 36, IN THE PORT OF SAN FRANCISCO, IN THE CITY AND COUNTY OF SAN FRANCISCO.**

MOVED, That the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the Final Supplemental Environmental Impact Report identified as case file No. 2000.1229E (State Clearinghouse No. 1994123007) , the San Francisco Cruise Terminal Mixed-Use Project and Brannan Street Wharf Project (hereinafter "Project") based upon the following findings:

1) The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Sections 21000 et seq., hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000s et. seq., (hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31") including:

a. The Department determined that a supplement to the Waterfront Land Use Plan Environmental Impact Report, case no. 94.155E (hereinafter "SEIR") was required for the Cruise Terminal Mixed-Use project and the Brannan Street Wharf Project and provided public notice of that determination by publication in a newspaper of general circulation on June 9, 2001; and

b. On November 17, 2001, the Department published the Draft Supplemental Environmental Impact Report (hereinafter "DSEIR") and provided public notice in a newspaper of general circulation of the availability of the DSEIR for public review and comment and of the

date and time of the Planning Commission public hearing on the DSEIR; this notice was mailed to the Department's list of persons requesting such notice; and

c. Notices of availability of the DSEIR and of the date and time of the public hearing were posted near the project site by Department staff on November 19, 2001; and

d. On November 17, 2001, copies of the DSEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DSEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse; and

e. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on November 19, 2001; and

2) The Commission held a duly advertised public hearing on said DSEIR on December 20, 2001, at which opportunity for public comment was given, and public comment was received on the DSEIR. The period for acceptance of written comments was extended to January 16, 2002; and

3) The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 60-day public review period for the DSEIR, prepared revisions to the text of the DSEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DSEIR. This material was presented in a "Draft Summary of Comments and Responses," published on April 30, 2002, was distributed to the Commission and to all parties who commented on the DSEIR, and was available to others upon request at Department offices; and

4) The Department prepared a Final Supplemental Environmental Impact Report ("FSEIR"), consisting of the DSEIR, any consultations and comments received during the review process, any additional information that became available, and the Summary of Comments and Responses all as required by law. The Commission found that the information in the Summary of Comments and Responses and any additional information that became available did not require recirculation under CEQA Guidelines Section 15088.5. The FSEIR also relied upon and included information from the Waterfront Plan SEIR. On May 9, 2002, the Commission reviewed and considered the FSEIR and, by Motion No. 16404, found that the Department had fulfilled all procedural requirements of CEQA, the CEQA Guidelines and Chapter 31; and

5) By letter to the Clerk of the Board of Supervisors dated May 28, 2002, Bluewater Network filed a timely appeal of the Commission's FSEIR certification to the Board of Supervisors pursuant to Administrative Code Section 31.16(a); and

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6) The Board of Supervisors held a duly-noticed public hearing on June 17, 2002 to consider the appeal of the FSEIR. The Board reviewed and considered the FSEIR and the FSEIR files, heard testimony and received public comment and written correspondence from the public and public agencies regarding the adequacy of the FSEIR; and

7) By Motion Nos. M02-99 and M02-94, on file with the Clerk of the Board of Supervisors in File No. 020946, which are hereby declared to be a part of this motion as if set forth fully herein, the Board disapproved the certification of the FSEIR by the Planning Commission and directed the Clerk to make findings. The Board, in Motion No. M02-100, on file with the Clerk of the Board of Supervisors in File No. 020946, which is hereby declared to be a part of this motion as if set forth fully herein, directed the Planning Department to revise the FSEIR; and

8) The Planning Department has revised the FSEIR in accordance with the Board's Motion No. M02-100. These revisions are included in the Revisions to the Final Supplemental Environmental Impact Report (Revisions to the FSEIR), published and made available to the Board, the Planning Commission and the public on October 11, 2002; and

9) The revisions do not add significant new information to the FSEIR or change the conclusions reached in the Final SEIR; the revisions clarify and add additional information concerning water and air quality impacts and mitigation related thereto, anti-fouling paints, and whale strikes, and revise and strengthen water and air quality mitigation measures. The revisions do not alter but add support to the FSEIR's conclusions. The Planning Commission specifically finds that recirculation of the FSEIR and its revisions is not required because the FSEIR revisions do not identify any of the following:

- A new significant environmental impact resulting from the project or from a new mitigation measure proposed to be implemented;
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- A feasible project alternative or mitigation measure considerably different from others previously analyzed clearly lessening the significant environmental impacts of the project, but the project proponents decline to adopt it;
- The draft SEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded; and

10) The revisions to the FSEIR do not identify new or substantially more severe environmental impacts from the Project nor any impacts from a new mitigation measure, and do not identify any new feasible alternatives to the Project that are considerably different from those previously analyzed. The revisions to the FSEIR do include revised mitigation measures; however they are not considerably different from others previously analyzed, rather they strengthen the mitigation measures from those previously analyzed. Moreover, the project

sponsors have agreed to all of the revisions to the mitigation measures. There is also no evidence that the FSEIR was fundamentally flawed. To the contrary, on June 24, 2002 the Board of Supervisors found the FSEIR adequate in all respects except the limited areas mentioned in its Motion No. MO2-100 remanding the FSEIR to the Planning Department; and

11) The Project FSEIR files, the Waterfront Plan SEIR, and all correspondence and other documents have been made available for review by the Planning Commission and the public. These files are available for public review at the Department offices at 1660 Mission Street, and are part of the record before the Planning Commission; and

12) The private project sponsor and the staff of the Port of San Francisco have indicated that the current preferred alternative for the San Francisco Cruise Terminal Mixed-Use Project is Alternative 5, the Reduced Building Height Alternative described in the FSEIR; and

13) The Planning Commission reviewed and considered the revised FSEIR and hereby does find that the contents of said report and the procedures through which the revised FSEIR was prepared, publicized and reviewed comply with the provisions of CEQA, the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code; now therefore be it

RESOLVED, the Planning Commission hereby does find that the FSEIR in Department File No. 2000.1229E reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Summary of Comments and Responses and the Revisions to the FSEIR contain no significant revisions to the FSEIR that would require recirculation under CEQA Guidelines Section 15088.5, and hereby does CERTIFY THE COMPLETION of said FSEIR in compliance with CEQA, the CEQA Guidelines and Chapter 31; and, be it

FURTHER RESOLVED, the Planning Commission, in certifying the completion of said FSEIR, hereby does find that the project described in the FSEIR and the Cruise Terminal Mixed Use Project preferred by the project sponsors, described as the Reduced Building Height Alternative in the FSEIR:

a. Will have project-specific significant, unavoidable environmental impacts which could not be mitigated to a level of nonsignificance by: 1) causing the level of service at the Embarcadero/Bryant Street (PM peak hour), Second/King Streets (PM peak hour), Third/King Streets (AM and PM peak hours), Harrison/First Streets (PM peak hour) and Harrison/Fremont Streets (PM peak hour) intersections to degrade to unacceptable levels; and 2) causing regional criteria air pollution due to emissions from cruise ships and the increase in vehicle trips; and

b. Will have significant, unavoidable cumulative environmental impacts which could not be mitigated to a level of nonsignificance by: 1) substantially contributing to the degradation of

level of service under Cumulative 2020 conditions at the Embarcadero/Bryant Street (PM peak hour), the Embarcadero/Howard Street (PM peak hour), the Embarcadero/Folsom Street (PM peak hour), the Embarcadero/Brannan Street (AM and PM peak hours), Harrison/Fremont Streets (PM peak hour), Harrison/First Streets (PM peak hour), Second/King Streets (PM peak hour) and Third/King Streets (AM and PM peak hours) intersections; and 2) contributing to regional air pollution as a result of operational emissions from cruise ships and vehicle trips.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of November 21, 2002.

Linda Avery
Commission Secretary

AYES: Commissioners Antonini, Boyd, Bell, Feldstein, Hughes, S. Lee, W. Lee

NAYES: None

ABSENT: None

ADOPTED: November 21, 2002

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*San Francisco Planning Department*

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*Changes from the text of the Draft SEIR are indicated by a line (|) in the margin.*
*Each new page and each new or revised graphic or table is indicated by a dot (●).*

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# INTRODUCTION

On January 9, 1997, the San Francisco Planning Commission certified the Environmental Impact Report for the Port of San Francisco Waterfront Land Use Plan (Case No. 94.155E; State Clearinghouse No. 94123007). This document set out the environmental effects of the Port's plan for governing future uses and development within the Port's approximately 7.5 miles of jurisdiction, covering the San Francisco waterfront generally from the Hyde Street Pier to India Basin. That Final EIR is referred to herein as the "Waterfront Plan EIR."

Subsequent to certification of the Waterfront Plan EIR, the San Francisco Port Commission adopted the Waterfront Land Use Plan ("the Waterfront Plan"), which is intended to guide future development of Port properties with a mixture of maritime and commercial uses. The Plan also specifies acceptable and unacceptable uses and satisfies the requirements of Proposition H that passed in November 1990. The Waterfront Plan identified a number of "mixed-use opportunity areas" that were anticipated to be the location of future developments including maritime uses, open space, public access, and certain commercial and recreational uses, potentially in proximity to other nearby uses on non-Port property. One of these opportunity areas includes Pier 30-32, Seawall Lot 330, the former Pier 34, and Pier 36.

On May 25, 1999, the Port Commission approved Resolution No. 99-36, authorizing Port staff to issue a Request for Qualifications and Proposals (RFQ/P) for the "Bryant Street Pier Project." Consistent with the Waterfront Plan, Port staff then convened a 20-member Advisory Group made up of industry experts and community representatives that developed goals and objectives for the RFQ/P. The Port's primary objective for the project was determined to be the "development of a high quality cruise terminal, as part of a mixed use project which provides a focal point on the waterfront, mid-way between Downtown and the new Ballpark. The Port envisions a modern cruise terminal with active, public-oriented uses providing a premier gathering place for the Bay Area, the City and the neighborhood."

On June 4, 1999, the Port issued an RFQ/P for the "Bryant Street Pier Project and James R. Herman International Cruise Terminal." The RFQ/P called for a developer to "propose, design, and develop a first class international cruise terminal and mixed use project on San Francisco's largest and most attractive development site." On July 26, 1999, the Port received qualifications from four respondents. On September 3, 1999, Port staff issued a Request for Proposals (RFP) to three of the development teams, and on October 28, 1999, two development teams, LCOR San Francisco LLC and San Francisco Cruise Terminal LLC (SFCT), submitted proposals.

Subsequent to a selection process that included public meetings and a staff evaluation process, Resolution 00-03 was passed by the San Francisco Port Commission authorizing the Port's Executive Director to enter exclusive negotiations with SFCT for development of the San Francisco Cruise

Terminal Mixed-Use project. SFCT is a limited liability company whose members include Lend Lease Development (US) Inc., PSA, (USA) Inc., Chinese Maritime Transport Ltd., and Whitney Cressman LLC. The San Francisco Cruise Terminal Mixed-Use project is co-sponsored by the Port of San Francisco and SFCT.

On July 20, 2000, the San Francisco Bay Conservation and Development Commission (BCDC) adopted the amended *San Francisco Bay Plan* and *San Francisco Waterfront Special Area Plan* (SAP) to establish new goals and merits to its policies for development on existing piers along San Francisco's northern waterfront (from Pier 35 to China Basin) and in which creation of the Brannan Street Wharf, "a major waterfront park in the area of Piers 34 and 36. . .," was identified as a policy for both Public Plazas and Open Water Basins after removal of Piers 34 and 36. As part of its "Plan Implementation Requirements," the SAP states that "[u]pon Port issuance of a certificate of occupancy for the major reuse of Piers 30-32, or a comparable major development, . . .carry out the public benefits projects below: i) Construct Phase I, the northern portion of the Brannan Street Wharf (in the area of Pier 34 and north) within five years; ii) Remove Pier 36 within 15 years; and iii) Complete the Brannan Street Wharf within 15 years if necessary grants or other funding are available, or within 20 years if necessary grants and funding are not available." Conforming amendments to the Waterfront Plan were adopted by the Port Commission in July, 2000. California State Assembly Bill 1389, signed by Governor Gray Davis in October, 2001 further defined and accelerated the timing requirements for completion of the Brannan Street Wharf project. As such, approval of the development on Pier 30-32 would trigger the requirement for the Port's creation of the Brannan Street Wharf. The proposed Brannan Street Wharf project is sponsored by the Port of San Francisco.

Since certification of the Waterfront Plan EIR, there have been changes in the regulatory environment with respect to air quality, in that the San Francisco Bay Area Air Basin first achieved, and then lost, "attainment" status for the national ozone standard, and achieved attainment status for the state and national carbon monoxide standards; the Bay Area remains in "non-attainment" status for the state ozone and PM-10 standards, meaning that the Bay Area violates these state standards with some regularity. In addition, in 1998, the California Air Resources Board designated particulate emissions from diesel-fueled engines as a toxic air contaminant, resulting in increased concern regarding diesel emissions.

Because of changes in the setting and because specific development programs for the project site have subsequently been developed, this Supplemental EIR (SEIR) has been prepared to analyze potential visual quality, transportation and parking, hydrology and water quality, air quality, hazardous materials, wind, and shadow effects that could result from development of the San Francisco Cruise Terminal Mixed-Use project and the Brannan Street Wharf project. A discussion of land use, plans, and policies and growth inducement have also been included for informational purposes. Effects for topics other than those listed above would not be expected to differ substantively from those analyzed in the Waterfront Plan EIR, and no new analysis is required. However, for informational purposes, this SEIR includes a brief discussion of other environmental issues comprehensively addressed by the Waterfront Plan EIR,

including historic architectural resources, archaeological resources, noise, energy, biological resources, geology and seismicity, and public services and utilities.

This SEIR describes and analyzes two separate but related projects, the San Francisco Cruise Terminal Mixed-Use project and the Brannan Street Wharf project. These projects are considered separate because they would be implemented by different project sponsors and on related, but different timelines. The San Francisco Cruise Terminal Mixed-Use project is referred to throughout the document as the "Cruise Terminal project" and the Brannan Street Wharf project is referred to as the "Wharf project." See Figure 2 for a combined site plan and Table 1 for a summary of project components.

# CHAPTER I
SUMMARY

## A. PROJECT DESCRIPTION (p. 1)

### CRUISE TERMINAL PROJECT

The sponsor of the Cruise Terminal project proposes a development program with two principal components: a mixed-use/cruise terminal component proposed for Pier 30-32 and a residential component proposed for Seawall Lot 330. The sites are situated just south of the Bay Bridge along The Embarcadero between Bryant and Brannan Streets.

The mixed-use/cruise terminal program would involve a partial reconfiguration and structural upgrade of the Pier 30-32 structure, upon which a two-level, 100,000 gross square-foot (gsf) structure that would serve as San Francisco's main cruise ship terminal would be constructed. Approximately 20,000-50,000 gsf of the terminal's space would be available to the public for civic and special events during the off-season, when ships are not in port. The terminal would be served by an 850-foot long berth along the pier's northern edge and a 1,000-foot long berth along the pier's eastern edge. With construction of the project, the cruise vessel calls at the Port of San Francisco (primarily at Pier 35) would shift to the project site and increase to about 69 calls in 2004 and to as many as 107 calls by 2020. The terminal would be located at the northeastern corner of the pier and would range in height from 46 to 88 feet.

A total of 370,000 gsf (approximately 325,000 net square feet) of office space for maritime and other private business would be provided on the second and third levels of the seven buildings (each two to three-stories high) on the pier, including space developed in conjunction with and as part of the terminal. A total of 220,000 gsf of retail/entertainment space, including neighborhood-serving retail, restaurants, a six-screen cinema, and a variety of other retail and entertainment uses would occupy the first levels of the pier buildings other than the terminal. An open space program, including plazas, terraces, aprons, and a south-facing lagoon would serve the entire pier.

The pier would be served by a primary vehicular entry/exit at the intersection of The Embarcadero and Bryant Street. This entry/exit would connect with a five lane roadway that would run along the northern edge of the pier and turn south in front of the terminal, ending with a bus turnaround at the southern end of the terminal. The roadway would provide access directly to both a 450-space parking garage and the terminal. Secondary access to the pier garage would be from The Embarcadero between Bryant and Brannan Streets.

The residential program of the project would be constructed on Seawall Lot 330, a triangular property used as a public parking lot located directly opposite Pier 30-32 to the west of The Embarcadero and bounded by Bryant Street to the north and west, Beale Street to the south, and The Embarcadero to the east. The project would construct 350 condominiums in eight buildings, most of which would sit atop a two-level, 350-space parking garage. Three of the buildings would be street level units and would range from two- to six-stories in height; two of the buildings would be three-story structures located atop the two-level garage podium, and three buildings would be towers ranging from 11 to 17 stories in height. One tower would be located near each of the site's corners. Common open space for use by residents of the project would be situated on the podium level, while the corners of the site at The Embarcadero at Beale Street and at Bryant Street would be developed as public open areas.

Construction of the residential component of the project on Seawall Lot 330 would take about 19 months for complete build-out, with occupancy planned for 2004. The proposed mixed-use/cruise terminal component of the project on Pier 30-32 would take approximately 25 months to build, with occupancy planned for July, 2004.

## BRANNAN STREET WHARF PROJECT

The Wharf project would involve removal of Pier 36 (91,845 sq. ft.), located immediately to the south of Pier 30-32, removal of approximately 10,000 sq. ft. of marginal wharf (between the southern edges of Pier 30-32 and Pier 38), and repair of approximately 15,000 sq. ft. of marginal wharf to create a new 57,000 square-foot public open space to be known as the Brannan Street Wharf. The new open space would be 600 feet long (parallel to The Embarcadero) and 95 feet wide, and would require construction of 45,000 sq. ft. of new pile-supported wharf.

The park would be intended as a major public open space that would provide access to the waterfront for residents and visitors to the area and accommodate passive recreational activities. The park's design would accommodate viewing and seating, and likely include fountains, interpretive signs, a small amphitheater, areas for activities such as chess and checkers, fish cleaning facilities, public art, and appropriate site furnishings. Other possible park uses would be informal small playfields for volleyball, a children's play area, and picnic areas. Temporary boat tie-ups, a landing and launch area for kayaks, and other related water-oriented recreation facilities may also be provided. This project would be implemented independently by the Port, but its timeline for construction would be linked to development of the Cruise Terminal project.

According to the requirements of Assembly Bill 1389, the Port must complete Phase I of the park (in the area of former Pier 34 and to the north) contemporaneously with the construction of the Cruise Terminal project and must remove Pier 36 and complete the remainder of the Wharf project within five years of the start of construction of the Cruise Terminal project.

## B. MAIN ENVIRONMENTAL EFFECTS

Provided below are brief summaries of the impacts discussion of each of the environmental issues analyzed in this SEIR. Please refer to the appropriate corresponding section for a more detailed discussion of each of these issues. The page number for the corresponding section is indicated next to the heading for each issue.

### LAND USE (p. 29)

While the changes that would occur on the project sites as a result of the proposed projects would be dramatic and substantial, they would also be in keeping with established development patterns and policies of the City and County of San Francisco. The adjacent South Beach neighborhood is an area in which a number of large residential projects, most of which include neighborhood-serving retail and restaurants on their ground floors, have been constructed in recent years in an area still occupied by numerous office buildings and a dwindling amount of waterfront maritime operations. This development pattern has been encouraged by City policies. The area is also well served by MUNI. As such, the proposed projects, would continue and reinforce existing land use development patterns, would be consistent with nearby existing uses, and would neither disrupt nor divide the neighborhood. For these reasons, both projects would have a less than significant land use impact.

### VISUAL QUALITY (p. 47)

Taken together, the Cruise Terminal and Wharf projects would result in a visual change to their respective project sites and the greater project vicinity/South Beach neighborhood. The proposed Cruise Terminal project would result in a visual change since it would include a variety of new structures on both the Pier 30-32 and seawall lot portions of the site that would range in height from 25 to 187 feet. The proposed Wharf project would result in a visual change since it would replace a pier with a shed building on it with a landscaped open space and open water basin.

Although visual quality is subjective, given the proposed exterior materials and the fact that the proposed project would be constructed within a group of nearby buildings of varying height and bulk in a highly developed urban area, it cannot be concluded that the proposed Cruise Terminal project would result in a substantial, demonstrable negative aesthetic effect, or that it would substantially degrade the existing visual character of the site and its surroundings. The same conclusion would apply to the Wharf project, whose open space and net increase in visible water area would likely have a positive aesthetic effect. As such, both projects would result in less than significant effects related to visual character and aesthetics. In addition, the projects would result in less than significant visual effects related to light and glare.

The proposed residential development on the seawall lot would primarily affect some views from existing private residences in the Bayside Village and Portside Condominium complexes. While a potentially substantial change to the residents of those properties, visual impacts to private property would not be considered significant. Development on Pier 30-32 would also disrupt existing views of the

waterfront, but would do so only from limited public vantage points, primarily from portions of The Embarcadero just north and south of Pier 30-32. The Wharf project would result in improved views, as it would expand waterfront open space and remove Pier 36. Because the proposed projects would not obstruct any publicly accessible scenic views or have a substantial adverse effect on a scenic vista observed from public areas, neither project would result in significant impacts related to visual quality.

## TRANSPORTATION (p. 64)

The traffic study prepared for the Cruise Terminal project analyzed traffic effects for Base Case, Cruise Season, and Off-Season scenarios. The Base Case represents a typical day when neither a cruise ship is docked or a special event is occurring. The Cruise Season represents a typical day during the cruise season (May through October) when one large home-berthed ship would be docked at the cruise terminal. The Off-Season condition represents a day between November and April on which the project sponsor would rent out a portion of the cruise terminal for a special event.

**Traffic - Existing Plus Project**. In the PM peak hour, the project would result in significant traffic impacts at five intersections (Second/King, Third/King, The Embarcadero/Bryant, Harrison/Fremont, and Harrison/First) under all three scenarios. Except for the intersection of Harrison/First, all of these intersections would experience a degradation from an acceptable to an unacceptable level of service as a result of the project. Implementation of measures that would widen and realign the intersection of The Embarcadero/Bryant Street to add a third travel lane to the eastbound approach and that would modify the southbound traffic signal at that intersection would reduce delays (Mitigation Measure C.1), but unacceptable conditions would remain. Implementation of a Transportation Demand Management program to reduce potential automobile trips to and from the project site (Mitigation Measure C.2) and a contribution by the project sponsor to the Department of Parking and Traffic's Intelligent Transportation Management System program to install changeable message signs, video cameras, and other traffic flow control devices (Mitigation Measure C.3) would not reduce the impact at any of the five intersections to a less than significant level.

In the AM peak hour (Cruise Season only), The Embarcadero/Bryant and the Third/King intersections would degrade from acceptable to unacceptable levels. Implementation of Mitigation Measures C.1, C.2, and C.3 would not reduce impacts to less than significant levels. In the Weekend peak hour (Cruise Season only), The Embarcadero/Bryant intersection would degrade from an acceptable to an unacceptable level. Implementation of Mitigation Measure C.1 would improve intersection operating conditions to an acceptable level of service and therefore mitigate the significant impact.

**Traffic - Cumulative 2020**. In the PM peak hour, the project would result in significant impacts at eight intersections (The Embarcadero/Howard, The Embarcadero/Folsom, The Embarcadero/Bryant, The Embarcadero/Brannan, Harrison/Fremont, Harrison/First, Second/King, and Third/King) under all three scenarios. The project would contribute more than 35 percent of the growth to the critical movements at these intersections, all of which would operate at unacceptable levels of service. Implementation of

Mitigation Measures C.1, C.2, and C.3 would not reduce impacts to less than significant levels. Implementation of a measure that would add a third travel lane to the eastbound approach of the intersection of The Embarcadero/Howard (Mitigation Measure C.4) would improve operational conditions at that intersection, but would not reduce impacts to a less than significant level.

In the AM peak hour, The Embarcadero/Brannan and Third/King intersections would degrade from acceptable to unacceptable levels. The project would contribute more than five percent to the critical movements at those intersections. Implementation of Mitigation Measures C.2 and C.3 would not reduce impacts to less than significant levels. In the Weekend peak hour, The Embarcadero/Bryant intersection would degrade from an acceptable to an unacceptable level. The project would contribute substantially to the cumulative critical movement at this intersection. Implementation of Mitigation Measure C.1 would improve intersection operating conditions to an acceptable level of service and therefore mitigate the significant impact.

**Transit**. Under Cumulative 2020 conditions, MUNI service along the southeast screenline would operate at 98 percent of capacity overall and 108 percent of capacity on southeast lines other than those along the Mission Street and Third Street corridors (Other Lines). The proposed project would contribute about 17 percent of the cumulative growth to the overall screenline and about 17 percent to the cumulative growth on the Other Lines. The project's contribution to this screenline would be considered a significant impact under Cumulative conditions. However, with implementation of identified mitigation that would add transit capacity to the southeast screenline (Mitigation Measure C.5) and require the project sponsor's coordination with the MUNI Special Events office (Mitigation Measure C.6), the project's contribution to this impact would be reduced to a less than significant level. The project would not result in any significant effects to local or regional transit under Existing Plus Project conditions.

**Parking**. The project would displace 500 parking spaces on the seawall lot and 300 spaces on Pier 30-32, for a total of 800 spaces. The project would provide 450 spaces on Pier 30-32 and 350 spaces on the seawall lot, for a total of 800 spaces. The project would meet the Planning Code requirements for handicapped and bicycle parking, as well as for showers and lockers.

Based on Planning Code requirements, the project would be required to provide 2,021 parking spaces under Base Case conditions, 2,081 during the Cruise Season when a ship is berthed at the pier, and 2,112 during the Off-Season when a special event is taking place at the cruise terminal. As such, the greatest parking shortfall (supply vs. required) would occur during the Off-Season, when the project would provide 1,312 fewer spaces than are required by the Planning Code. In all cases, however, the parking supply on the seawall lot would meet the Code requirement of one space per residential unit.

Project-generated parking demand would be greatest during the Cruise Season, when a demand would exist for 1,934 spaces, or 1,593 spaces when adjusted for shared parking. The parking shortfall (supply vs. demand) would be greatest (1,134 spaces) during the Cruise Season when a special event is taking place at the Cruise Terminal. Under all conditions, the parking shortfall on the seawall lot would be 99 spaces and the remaining shortfall would occur on Pier 30-32. If shared parking opportunities were taken

into account, the parking shortfall would be approximately 660 spaces in the Base Case, 793 spaces in the Cruise Season, and 729 spaces in the Off-Season. The parking shortfall would be considered a social effect, but not a significant environmental impact. The magnitude of the expected shortfall would have impacts on the surrounding neighborhood by increasing the competition for very limited parking.

**Loading/Bicycles/Pedestrians/Construction**. The proposed project would meet the Planning Code requirements for loading facilities (nine on Pier 30-32 and two on the seawall lot). Due to potential traffic disruption caused by trucks using the seawall lot loading spaces on Bryant Street, the project would have the potential to result in a significant impact. However, implementation of identified mitigation (Mitigation Measures C.7 and C.8) would mitigate such impacts to a less than significant level. The project would not result in significant transportation effects related to passenger loading, bicycles, pedestrians, or construction.

**Brannan Street Wharf project**. Most persons destined for the Brannan Street Wharf would come from neighboring uses and would walk, bicycle, take transit, or use modes other than automobiles. As such, the trips associated with the Wharf project's open space were accounted for in the trip generation of other project uses and would not affect traffic patterns, intersection levels of service, or transit service levels. As such, the Wharf project would have not a significant impact on traffic, circulation, or parking.

## HYDROLOGY AND WATER QUALITY (p. 95)

Minor changes in the stormwater runoff draining directly to the Bay from the Cruise Terminal and Wharf projects would result in an improvement in water quality conditions. The Cruise Terminal project's effect on the increase in CSO frequency in the Bayside system would have a negligible effect on Bay water quality. Therefore, long term operational impacts associated with stormwater runoff would be less than significant.

Regarding cruise ship discharges, due to uncertainty in the effectiveness of existing regulations (that are currently under evaluation by the USEPA) and the potential for discharges to occur (although such occurrences would likely be very infrequent), the increase in shipping activities associated with the proposed project could potentially result in significant degradation of water quality. Implementation of Mitigation Measure D.1, which would create and maintain a program designed to prevent cruise ships from releasing discharges to the Bay, would reduce these impacts to a less than significant level.

The Cruise Terminal project would require approximately 20,000 to 25,000 cubic yards of annual maintenance dredging after the initial dredging of approximately 166,500 cubic yards. Maintenance dredging, where the dredged material is to be deposited in an area authorized by all applicable state and federal regulatory agencies, is considered to be a Class 4 Categorical Exemption under CEQA. Therefore, water quality impacts associated with maintenance dredging would be less than significant.

Construction of the proposed Cruise Terminal and Wharf projects could affect water quality either directly or indirectly, due to grading and earthmoving activities (seawall lot only), use of fuels and other

chemicals for construction equipment, construction on piers directly over the Bay, and/or construction activities in the Bay. None of these aspects of project construction would result in significant effects. In addition, cumulative hydrology and water quality impacts associated with the proposed projects would be less than significant.

## AIR QUALITY (p. 115)

Project construction activities may result in significant amounts of dust, and as a result, local visibility and PM-10 concentrations may be adversely affected on a temporary and intermittent basis. In addition, the fugitive dust generated by construction would include not only PM-10, but also larger particles, which would fall out of the atmosphere within several hundred feet of the site causing nuisance-type impacts. With implementation of BAAQMD's standard and enhanced dust control procedures (Mitigation Measure E.1), fugitive dust impacts would be reduced to a less than significant level.

Daily emissions under the Cruise Terminal project would substantially exceed the BAAQMD significance threshold of 80 lbs./day for reactive organic gases (ROG), nitrogen oxides (NOx), and inhalable particulates (PM-10). Emissions in future years would be reduced because of the phase-out of older, more polluting vehicles and ships. In addition, emissions from diesel engines on new vehicles built after 2004 will be reduced because of state and federal regulations. However, because of past difficulty in enforcing such regulations on international vessels, emissions would still be significant. With implementation of trip reduction measures recommended by the BAAQMD intended to reduce ozone precursor and particulate matter pollutant emissions (Mitigation Measure E.2), impacts of criteria air pollutant emissions would be reduced, but not to a less than significant level. Therefore, regional project-related impacts would be significant and unavoidable.

Project-related traffic may result in localized areas with high concentrations of carbon monoxide concentrations around stagnation points such as major intersections and heavily traveled and congested roadways. Evaluation of such a potential revealed that the Cruise Terminal project would not result in exceedances of carbon monoxide standards and therefore would not result in a significant effect. Based on the results of dispersion modeling conducted for the Southern Waterfront project SEIR, emissions from the Cruise Terminal project would not exceed the diesel risk threshold of 10 in a million and so would have less than significant effects related to toxic air contaminants.

According to the *BAAQMD CEQA Guidelines*, any proposed project that would individually have a significant air quality impact would also be considered to have a significant cumulative air quality impact. Because the project would exceed the significance criteria of 80 pounds per day for ROG, NOx and PM-10 in both analysis years 2004 and 2020, and the annual threshold of 15 tons per year for ROG and $NO_x$ in 2004 and for NOx and PM-10 in 2020, the project's cumulative impact on air quality of the region would be considered significant. Even with implementation of the trip reduction measures recommended by the BAAQMD included in Mitigation Measure E.2, the project would still result in a significant impact. This would be a significant unavoidable impact that cannot be mitigated.

## SHADOW (p. 134)

As determined by a shadow fan analysis conducted by the Planning Department, the Cruise Terminal project would not cast new shadow on any open space under the jurisdiction of the San Francisco Recreation and Park Commission between one hour after sunrise and one hour before sunset. Because of its location to the south and east of the two components of the Cruise Terminal project site, the proposed Brannan Street Wharf park would not be affected by shadows caused by the Cruise Terminal project. Similarly, the Wharf project would not be affected by shadows of existing nearby structures. As such, in addition to itself having less than significant shadow effects, conditions on the Wharf project site would not be substantially affected by the proposed Cruise Terminal project. While the Cruise Terminal project would add minimal new shadows to the project vicinity, the new shading caused by the project would not affect open spaces protected by Planning Code Section 295 such as South Park, other public open spaces such as South Beach Park, privately-owned publicly accessible open spaces, or private open spaces. Therefore, shadow impacts associated with the Cruise Terminal project would be less than significant.

## WIND (p. 142)

With the proposed project, wind conditions would be considered moderately windy; the average wind speed for all 59 test points would be just over 9 mph, a decrease of about 1 mph from the existing average. Wind speeds in pedestrian areas would range from 4 mph to 16 mph. Comparing only to the points measured for existing conditions, the project would eliminate seven comfort criteria exceedances and add no new exceedances, while one existing exceedance would continue. Compared to existing conditions, the project would increase wind speeds at four locations, leave wind speeds unchanged at six locations, and decrease wind speeds at ten locations. The highest wind speeds would occur on the podium of the seawall lot near the base of the tower at Beale and Bryant Streets (16 mph) and on the north apron of the pier (15 mph). With the project, the Planning Code's wind hazard criterion would not be exceeded at any of the locations tested. As such, the proposed Cruise Terminal would have a less than significant effect on wind conditions. Wind speeds on the proposed Wharf project site would continue to be moderately windy; wind speeds would range from 10 mph to 11 mph. All four test points at or near the proposed Wharf open space would meet the Planning Code's pedestrian-comfort criterion of 11 mph. As such, in addition to itself having a less than significant effect on wind conditions, wind conditions on the Wharf project site would not be substantially affected by the proposed Cruise Terminal project.

## HAZARDOUS MATERIALS (p. 147)

Based on completed subsurface investigations that revealed hazardous constituent concentrations in the soil on the seawall lot, the Cruise Terminal project sponsor would be required to submit a Site Mitigation Plan to appropriate agencies, including the San Francisco Department of Public Health, as part of the project. Compliance with the Maher Ordinance would reduce any potential impacts related to soil or groundwater to a less than significant level.

The demolition and renovation phases of the proposed projects would involve the potential for exposure to asbestos and the resulting adverse health effects if materials that contain hazardous substances are present. If required pre-construction sampling identifies asbestos-containing materials, such materials would have to be abated prior to construction. Regulations and procedures established as a part of the permit review process would ensure that any potential impacts due to asbestos would be reduced to a less than significant level.

Similarly, demolition and construction work associated with the projects could create exposure to paint materials containing lead. Adherence to regulations required as part of the San Francisco Building Code would ensure that potential impacts due to lead-based paint would be reduced to a less than significant level. Disposal of any lead piping in an appropriate landfill facility and of creosote-treated lumber found in pier pilings would reduce potential impacts to a less than significant level. Compliance with applicable laws and regulations would reduce to a less than significant level potential adverse environmental impacts associated with the transportation, storage, use and disposition of any other hazardous materials used in operation of the project.

## GROWTH INDUCEMENT (p. 159)

The Pier 30-32 component of the proposed Cruise Terminal project would result in a net increase in floor area of 100,000 gsf of cruise terminal space, 220,000 gsf of retail space, and 370,000 gsf of office space, compared to existing conditions. In the context of existing and future patterns of development, growth in the number of households, and demand for housing, this net change would not represent a substantial population growth or concentration in the neighborhood, city or region. The seawall lot component of the project would introduce 350 new residential units into the project neighborhood. Given the increasingly residential character of the South Beach area, the mixed-use nature of that project, and the location of the project site in a densely developed urban area, the Cruise Terminal project would not necessitate or induce the extension of municipal infrastructure. In view of the above, there is no reason to believe that the Cruise Terminal project would result in additional development in the project vicinity that would not otherwise occur. Similarly, the proposed Brannan Street Wharf open space, which would be constructed in a dense urban context with a wide variety of uses, would not necessitate or induce the extension of municipal infrastructure or result in additional development in the project vicinity that would not otherwise occur.

Although housing affordability and availability remains an important policy issue in San Francisco and throughout the Bay Area, project employment, even if it were to represent all new residents, would result in a small contribution to overall housing demand, and would not be considered significant. The project would not be expected to induce any substantial amount of new growth, either residential or commercial.

## OTHER ENVIRONMENTAL ISSUES ADDRESSED IN THE 1997 WATERFRONT PLAN EIR (p. 161)

The Port of San Francisco Waterfront Plan EIR analyzed environmental impacts resulting from implementation of the Waterfront Plan. This section provides a brief discussion of each of the environmental issues addressed in the Waterfront Plan EIR for which the Cruise Terminal and Brannan Street Wharf projects would not have the potential to create new or different environmental effects than those already analyzed in that EIR.

**Energy**. The Waterfront Plan concluded that no significant impacts would occur as a result of development under any of the alternatives of the proposed Waterfront Plan. Neither of the proposed projects would result in the need for construction of additional energy production facilities and therefore would not result in environmental effects associated with construction of such facilities. Further, the Cruise Terminal project would meet current state and local codes concerning energy consumption and would not inherently cause a wasteful use of energy. The Wharf project would not involve construction of new structures or otherwise create a substantial demand for energy. Therefore, effects related to energy consumption would be less than significant for both projects.

**Noise**. The Waterfront Plan concluded that no significant impacts would occur as a result of development under any of the alternatives of the proposed Waterfront Plan. The proposed projects would not result in or be affected by substantial increases in noise associated with vehicle traffic, cruise ships, mechanical equipment, or project construction. Therefore, noise associated with the operation and construction of the projects would be less than significant.

**Biological Resources**. The Waterfront Plan EIR concluded that except for the potential short-term significant effects to Pacific herring as a result of repair or replacement of pier pilings during the December to March spawning period, no significant impacts would occur as a result of development under the proposed Waterfront Plan. The proposed projects would involve pier removal, pier repair and replacement, dredging, removal and addition of fill, and increased stormwater runoff, but at less intensive levels than analyzed in the Waterfront Plan EIR. With implementation of Mitigation Measure H.1 from the Waterfront Plan EIR, which would limit pier repair/replacement work to outside the Pacific herring spawning period, both projects would result in less than significant impacts on biological resources.

**Geology, Soils, and Seismicity**. The Waterfront Plan EIR found that except for potential effects associated with the increased risk of injuries and structural and non-structural damage associated with earthquakes, all other impacts could be mitigated to a less than significant level. Neither the Cruise Terminal or Wharf project would result in any new significant impacts associated with soils, geology, or seismicity that were not analyzed in the Waterfront Plan EIR. However, the significant unavoidable impact related to earthquakes identified in the Waterfront Plan EIR would not be reduced to a less than significant level. This SEIR does include though, mitigation measures from the 1997 Waterfront Plan

FEIR (Measures I-1, I-3, I-4, I-5, I-7, I-8, I-9, I-10, and I-11) that address a variety of potential geology, soils, and seismicity effects.

**Historic Architectural Resources**. The Waterfront Plan EIR indicates that there would be significant impacts in locations with structures identified as Significant or Potentially Significant as a result of development under the proposed Waterfront Plan. The Port has secured funds and hired an historic preservation consultant to prepare a National Register historic district nomination by or before June, 2002. Based on the historic surveys produced to date, it is not anticipated that Pier 30-32, Red's Java House, or the pier and shed on Pier 36 will be included in the nomination. The Cruise Terminal and Wharf projects would be subject to the waterfront design review process to ensure compatibility of the overall design with the Waterfront Plan policies, including compatibility of the projects with the historic waterfront. As such, neither the Cruise Terminal or Brannan Street Wharf project would have the potential to result in significant impacts on existing historic architectural resources or the planned waterfront historic district.

**Archaeological Resources**. The Waterfront Plan EIR concluded that portions of the project area have a high potential for containing significant buried archaeological resources, but that the potential impacts on these resources is in large part a function of the amount of excavation that would occur. The Wharf project and pier component of the Cruise Terminal project would be constructed entirely on pier or wharf structures. The seawall lot component of the Cruise Terminal would be constructed on a reclaimed site and where soil would be disturbed. However, development on the seawall lot would involve only minimal soil disturbance. As such, neither of the proposed projects would have the potential to result in significant impacts to archaeological resources.

**Public Services and Utilities**. The Waterfront Plan concluded that services are generally available to support increases in development and activity associated with all alternatives and therefore no significant environmental effects would occur. Both of the proposed projects would be undertaken in a fully built-out area of downtown San Francisco, where all utilities and services are currently provided. Therefore, no need for an expansion of public utilities or public service facilities is anticipated and so neither project would have the potential to result in significant impacts.

## C. AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

The primary areas of controversy associated with the proposed San Francisco Cruise Terminal Mixed-Use Project concern: (1) the potential adverse traffic and parking impacts in the South Beach neighborhood that would result from the development of the now vacant Seawall Lot 330 and Pier 30-32; (2) the potential adverse air quality effects associated with cruise ship emissions; (3) the potential blockage of views of the waterfront from residential structures located to the west and northwest of the project site; and (4) the potential for adverse water quality effects during construction and operation of the Cruise Terminal project as a result of an additional burden to the combined sewer/stormwater system and other discharges associated with cruise ships. There are no areas of controversy associated with the

proposed Brannan Street Wharf project. The Port of San Francisco, Planning Commission, and other decision-making agencies will decide whether to approve or disapprove each of the proposed projects separately after review and certification of the SEIR. In selecting or rejecting project alternatives, decision makers may also use other information in the public record.

## D. MITIGATION AND IMPROVEMENT MEASURES (p. 169)

## TRANSPORTATION, CIRCULATION AND PARKING

### MITIGATION MEASURES *(Cruise Terminal Project)*

#### *INTERSECTION TRAFFIC*

#### Existing Plus Project Conditions

C.1 **The Embarcadero/Bryant Street Intersection** –

a. Widen the eastbound approach at The Embarcadero/Bryant Street intersection. Eliminate the painted median on Bryant Street between The Embarcadero and Main Street, in order to add a third travel lane to the eastbound approach of the intersection. Re-stripe for one left-turn lane, one through lane, and one right-turn lane. Realignment of the curb and widening of Bryant Street width would be necessary if the additional lane is continued from The Embarcadero west to Main Street. If the current street width were maintained on Bryant Street, the length of the additional turn lane would be restricted to approximately two car lengths. *(Corresponds to 1997 Waterfront Plan FEIR Mitigation Measure D-4)*

b. The Department of Parking and Traffic should consider modifying the southbound traffic signal at The Embarcadero/Bryant so that the left-turn movement has a green arrow instead of a flashing yellow left-turn signal. *(Corresponds to 1997 Waterfront Plan FEIR Mitigation Measure D-4)*

C.2 **Transportation Demand Management Program** – To alleviate the impacts of vehicle trip generation to the project site, it is recommended that a Transportation Demand Management (TDM) Program be implemented to reduce potential automobile trips and to reduce related impacts, such as the demand for parking. A copy of the *San Francisco Cruise Terminal Mixed-Use Project TDM Program* is included in Appendix H. *(Corresponds to 1997 Waterfront Plan FEIR Mitigation Measure D-7)*

C.3 **Intelligent Transportation Management System (ITMS)** – To mitigate traffic impacts at LOS E and LOS F intersections, the project sponsor should work with the Department of Parking and Traffic (DPT) to determine an appropriate level of contribution to the DPT ITMS program to provide changeable message signs, video cameras, and other traffic flow control measures along The Embarcadero and King Street.

#### Cumulative Conditions

C.4 **The Embarcadero/Howard Street Intersection** – Add a third travel lane to the eastbound approach on Howard Street by removing parking on the south side of the street. This would allow

room for two left-turn lanes and one right-turn lane. (If this mitigation measure is not implemented, the Department of Parking and Traffic should consider striping the existing right lane for left and right turns. It has been observed that drivers are using both lanes to make left turns.) *(Corresponds to 1997 Waterfront Plan FEIR Mitigation Measure D-4)*

### *TRANSIT*

C.5 Additional transit capacity should be added to the Southeast MUNI screenline to accommodate the increased demand for service. Based on analysis, the addition of 107 peak hour transit spaces (seats plus standees) would bring the transit capacity back to the acceptable level of service, 96 percent capacity utilization. The project sponsor's share of that increase in transit capacity would equate to about 17 percent of the new capacity. If an effective Transportation Demand Program (TDM) program is implemented, the project sponsor's fair share would potentially increase. Demand under either scenario could be accommodated by the peak hour addition of a streetcar or by providing an historic streetcar for operation upon initiation of E-Line service.

C.6 As requested by MUNI, the project sponsor shall contact the MUNI Special Events office as needed to alert them to special events at Pier 30-32 that would place extra demand on MUNI services.

### *TRUCK LOADING*

The following mitigation measures are recommended to minimize the disruption to traffic along Bryant Street while trucks maneuver into the loading bays serving the seawall lot component of the Cruise Terminal project:

C.7 Relocate the freight loading bays proposed for the seawall lot component of the project to Beale Street to eliminate the potential conflict with traffic on Bryant Street during the weekday commute periods; or

C.8 Prohibit freight deliveries to the proposed seawall lot component of the project during the afternoon PM peak period (between 3:30 and 6:30 PM).

### *PEDESTRIAN SAFETY*

C.9 Work with the Department of Parking and Traffic and the Port to identify and implement measures, such as redesigning the Pier 30-32 driveway as an intersection with curbed corners and a signal controlled pedestrian crossing or installing pedestrian signals at the project driveway on the promenade to alert pedestrians to the heavy volume of traffic crossing the promenade at Bryant Street.

C.10 A pedestrian countdown signal should be installed on the pier side of The Embarcadero at the project driveways at Bryant Street and north of Brannan Street.

### *GENERAL MITIGATION*

C.11 Upon issuance of permits approving the proposed project, the project sponsor shall become an active participant in the Ballpark/Mission Bay Transportation Coordinating Committee and work with the committee to develop traffic and parking plans for the project.

## IMPROVEMENT MEASURES IDENTIFIED IN THIS SEIR *(Cruise Terminal Project)*

### *PARKING*

C.1 The project sponsor should work with the San Francisco Giants' management to identify alternative locations that would be available for Pac Bell Park parking when the spaces on Pier 30-32 and Seawall Lot 330 are displaced.

C.2 The Port of San Francisco should identify an alternative location to accommodate Fisherman's Wharf tour bus parking displaced from Pier 30-32. The availability of this lot should be publicized to ensure that potential users are aware of its location.

C.3 As prescribed by the Department of Parking and Traffic, the garage on Pier 30-32 should have an electronic sign clearly alerting drivers when the garage is full and minimizing the potential for queuing on The Embarcadero.

### *CONSTRUCTION*

C.4 Any temporary lane closures associated with the project should be restricted to off peak hours between 9:00 AM and 3:30 PM.

C.5 Project sponsor should identify an off-street location for temporary construction worker parking that would minimize the parking impacts on the neighborhood during construction of the project.

C.6 Temporary lane closures or disruptions that would impact traffic flows or MUNI operations should be coordinated with Department of Parking and Traffic and MUNI's Street Operations/Special Events office.

# HYDROLOGY AND WATER QUALITY

## MITIGATION MEASURES *(Cruise Terminal Project Only)*

### *SHIP-RELATED IMPACTS ON WATER QUALITY*

D.1 The project sponsors shall prohibit cruise ships using the Piers 30-32 cruise terminal from releasing incidental or intentional discharges to San Francisco Bay until such time as new wastewater treatment methods that adequately meet water quality standards are authorized by state or federal agencies specifically empowered by statute to make such authorization. (The federal government already imposes "no discharge" requirements for the Gulf of the Farallones and Cordell Bank marine sanctuaries.) The types of prohibited discharges would include sewage, gray water, hazardous waste, solid waste, and fuel or oil-related substances. This prohibition in San Francisco Bay will be achieved by initiating and maintaining a program that would include, at a minimum:

- a requirement that cruise ships comply with existing or future laws and regulations regarding discharge of sewage, gray water, hazardous waste, solid waste, and fuel or oil-related substances into San Francisco Bay;

- working with government agencies having jurisdiction over San Francisco Bay water quality to ensure compliance with the program;

- implementation of a reporting mechanism between the cruise ship line and cruise terminal operator that would include monitoring of discharge operations while in San Francisco Bay and, as necessary, sampling while at berth at Piers 30-32 to insure compliance with the discharge prohibition;

- reporting by the cruise ship terminal operator to the Coast Guard and the Regional Water Quality Control Board all incidental or intentional discharges to the Bay;

- the establishment of a mechanism and contract provision whereby the Port retains the right to deny berth access for those cruise ships that violate the prohibition or repeatedly carry out unauthorized wastewater discharges; and

- the establishment of a water quality advisory group to the Port Commission that would meet on a regular basis, which would include representatives of the cruise lines, Coast Guard, Regional Water Quality Control Board, the Port, San Francisco Cruise Terminal LLC (SFCT), the cruise terminal operator, the San Francisco Bar Pilots, at least one environmental organization whose primary stated purpose is to address San Francisco Bay water quality issues, and the Rincon Point-South Beach Citizens Advisory Committee to address cruise ship discharge issues. This advisory group would make recommendations to the Port Commission for the implementation and/or enforcement of measures to prohibit discharges into San Francisco Bay.

D.2 The project sponsors shall initiate and maintain a program to prohibit cruise ships using the proposed cruise ship terminal from releasing unauthorized ballast water discharges into San Francisco Bay unless until such time as ballast water treatment is specifically authorized by a state or federal agency specifically empowered by statute to make such authorization. This prohibition shall be achieved by initiating and maintaining a program, prior to the use and operation of the proposed cruise ship terminal, which would have requirements that are at least as protective as the requirements of California Public Resources Code Section 71200 *et seq.* (A.B. 703) and subsequent regulations applicable to cruise ships that pertain to the management of ballast water for the control of non-indigenous species. The program will also include, at a minimum:

- review by the project sponsors of cruise lines' process with relation to ballast water management;

- implementation of a reporting mechanism between the cruise ship line and the cruise terminal operator that would include monitoring of operations while in San Francisco Bay;

- reporting by the cruise terminal operator to the U.S. Coast Guard and the State Lands Commission staff of all incidental or intentional discharges to the Bay;

- the establishment of a mechanism and contract provision whereby the Port retains the right to deny berth access for those cruise ships that violate the prohibition of the discharge of ballast water into San Francisco Bay or are repeated/habitual offenders of the State ballast water law;

The establishment of a water quality advisory group to the Port Commission of San Francisco (the Port) that would meet on a regular basis which would include representatives of cruise lines, U.S. Coast Guard, the State Lands Commission, Regional Water Quality Control Board, the Port, San Francisco Cruise Terminal LLC (SFCT), the cruise terminal operator, the San Francisco Bar Pilots, at least one environmental organization whose primary stated purpose is to address San Francisco Bay water quality issues, and the Rincon Point-South Beach Citizens Advisory Committee to

address ship ballast water management, and if necessary, enforcement. This advisory group would review and make recommendations on the components of the program to the Port Commission and shall also review and evaluate new technologies for treating ballast water when such technologies are approved by the appropriate federal or state agency or other agencies with statutory jurisdiction over approval of such technologies. The advisory group shall recommend to the Port Commission strategies to incorporate such new technologies that the group deems appropriate into the project or to impose requirements for such new technologies on cruise ships using the Piers 30-32 cruise terminal facilities.

## IMPROVEMENT MEASURES *(Both Projects)*

### *STORMWATER RUNOFF*

D.1 To minimize the potential for water quality degradation from stormwater runoff, the Port should require that all tenants implement source control Best Management Practices consistent with those identified in the San Francisco Water Pollution Prevention Program and the Industrial/Commercial Storm Water Best Management Practices Handbook. Measures that could be implemented include, but are not limited to, the following:

- Training employees about the importance of stormwater pollution prevention, about proper material and waste storage/handling/disposal techniques, about spill/leak prevention and clean-up, and about emergency response;
- stenciling "Protect the Bay—Don't Dump" next to on-site storm drains;
- inspecting and cleaning if necessary, storm drain inlets and catch basins within the pier development before October 1 of each year;
- maintaining a spill response plan and training employees in the use of the plan;
- providing adequate secondary containment for working and storage areas to protect drains from spills and to make spill clean-up easier;
- properly containing and covering all solid and liquid wastes, especially during transfer;
- cleaning up spill immediately;
- prohibiting use of hazardous cleaning agents outdoors;
- designing loading/unloading areas to isolate these areas so that spills or leaks can be contained and cleaned, such as using berms or grade breaks and routing roof downspouts away from loading/unloading areas;
- keeping areas clean with regular sweeping of paved areas and removal of trash;
- prohibiting discharge of process water to storm drains;
- employing appropriate containment measures for fuel, lube oil, waste oil, and any other hazardous materials that may be handled or stored on-site, to capture potential spills;
- no steam cleaning/pavement cleaning water will be discharged directly into the Bay; and
- installing grease and sediment traps at vehicle maintenance and washing areas to prevent contaminating stormwater.

### *OPERATIONAL WATER QUALITY*

D.2 The Port should work with the City and other agencies, such as Golden Gate National Recreation Area, to obtain and assure funding for annual updating of the San Francisco Oil Spill Prevention and Response Plan (OSPRP). The Port should also require the Cruise Terminal operator to develop

a site-specific OSPRP to supplement the general San Francisco plan, maintain a contract with the spill response calendar, and maintain on-site first-response supplies.

### *CONSTRUCTION WATER QUALITY*

D.3 The project sponsor should require contractors to prepare and implement a Storm Water Pollution Prevention Plan consistent with control measures identified in the San Francisco Water Pollution Prevention Program and those required under the statewide General Permit for Storm Water Discharges Associated with Construction Activity. Measures that could be implemented include, but are not limited to, the following:

- scheduling excavation and grading activities for dry weather periods;
- controlling the amount of runoff crossing the site using berms or temporary drainage ditches to divert water from the site;
- protecting storm drains in the vicinity of the site with berms or filters, even during dry weather;
- cleaning out catch basins on a regular basis;
- keeping materials out of the rain by covering exposed piles of soil or construction materials with plastic sheets;
- dry sweeping paved surfaces that drain to storm drains; and
- cleaning up all spills, leaks and drips so they do not contaminate soil or groundwater or leave residue on paved surfaces.

D.4 Best Management Practices should be implemented during construction of facilities on or adjacent to the Bay to minimize effects of construction activities on water quality. In order to minimize potential for spills, construction materials or debris to enter the Bay and affect water quality, site-specific construction methods and precautions, such as limiting activities on days of strong winds, could be included in the contractor's construction specifications to minimize effects on water quality. Demolition of structures with lead-based paint should include physical precautions to ensure that paint dust and chips do not enter the Bay.

## AIR QUALITY

## MITIGATION MEASURES

### *CONSTRUCTION AIR QUALITY (Both Projects)*

E.1 The Port now requires that project sponsors direct construction contractors to implement a dust abatement program to reduce the contribution of project construction to local PM-10 concentrations. Elements of this program should continue to include the following, to reduce particulate emissions:

- Water all areas capable of creating fugitive dust during demolition, excavation and construction activity. This includes watering internal roadways, unpaved construction areas and active sites at least twice per day. Increase the frequency of watering when wind speeds exceed 15 miles per hour. San Francisco Ordinance 175-91 requires that non-potable water

be used for dust control activities. Therefore, the project sponsor will require that the contractor(s) obtain reclaimed water from the Clean Water Program for this purpose.

- Limit speeds to 10 miles per hour on all internal roadways and suspend all excavating and grading operations when instantaneous gusts exceed 25 miles per hour.
- Sweep paved internal roads, access roads, parking areas, construction staging areas and adjacent City streets if any visible soil material is carried over to these streets at the end of the day. Sweep up dirt or debris spilled onto paved surfaces immediately to reduce re-suspension of particulate matter through vehicle movement over these surfaces.
- Employ wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
- As feasible, the contractor(s) shall limit the area subject to excavation, grading and other construction activity at any one time.
- Replace ground cover in disturbed areas as quickly as possible.
- Enclose, cover, water twice daily, or apply soil binders to exposed stockpiles of sand, gravel and dirt. Cover all trucks hauling dirt, sand, soil, or other loose materials. Maintain at least six inches of freeboard between the top of the load and the top of the trailer.
- Install gravel at construction equipment entrances to unpaved areas to prevent tracking of dirt and mud onto streets.
- Designate a person or persons to oversee the implementation of a comprehensive dust control program and to increase watering, as necessary. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air District prior to the start of construction.
- The project contractor(s) shall submit to the BAAQMD a comprehensive inventory of all the heavy-duty equipment (50 hp or greater) that would be used more than 40 hours over the life of the project. This equipment may be owned and operated by the prime contractor and/or any subcontractor. At least 20% of this equipment shall be powered by CARB-certified off-road engines.
- Contractor(s) shall ensure that any stationary motor sources (such as generators and compressors) located within 100 feet of any residence, public facilities, or school (sensitive receptors) is equipped with a supplementary exhaust pollution control system as required by the BAAQMD and CARB.
- Maintain and operate construction equipment so as to minimize particulates from exhaust emissions. During construction, require contractors to operate trucks and equipment only when necessary. Equipment should be kept in good condition and well tuned, to minimize exhaust emissions.

This mitigation measure would also reduce demolition-related impacts regarding lead paint chips/lead dust. The project sponsor would also be required to comply with Chapter 36 of the San Francisco Building Code, Work Practices for Exterior Lead-Based Paint, enforced by the San Francisco Department of Building Inspection.

*(Corresponds to 1997 Waterfront Plan FEIR Mitigation Measure F-1)*

## *OPERATIONAL AIR QUALITY (Cruise Terminal Project only)*

E.2 The project sponsor shall implement a trip reduction plan that includes some or all of the following standard BAAQMD measures, as determined feasible and appropriate. Each standard BAAQMD measure is in italics (with the estimated effectiveness at trip reduction indicated in parentheses), followed by the specific measure recommended for the proposed project.

*Transit Measures: Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc., to support expanded transit service to the site (Effectiveness 0.5 - 2% of all trips).*

- The project sponsor will pay the Transit Impact Development Fee for new office space as required by Chapter 38 of the San Francisco Administrative Code to improve the local transit infrastructure.
- Adequate taxi and bus parking and passenger loading facilities should be provided as part of the project.
- Provide workers with transit use incentives.
- Provide transit information at information booths in shopping areas and on recorded telephone announcement, and encourage individual stores to provide such information, both in person and by telephone. Arrange for the sale of MUNI Fast Passes and, potentially, other transit passes and tickets, at strategic locations around the project.
- Develop brochures, information packets, and/or an internet web page providing full information on transit access to the project site. Ensure that ship passengers are informed of transit opportunities, and provide maps and schedule information.
- Provide a location for a public ferry terminal to be developed or installed in the future at the Cruise Terminal project site.

*Bicycle and Pedestrian Measures: (a) Provide secure, weather-protected bicycle parking for employees (Effectiveness 0.5 - 2% of work trips); (b) Provide safe, direct access for bicyclists to adjacent bicycle routes (Effectiveness 0.5 - 2% of work trips); (c) Provide showers and lockers for employees bicycling or walking to work (Effectiveness 0.5 - 2% of work trips); (d) Provide secure short-term bicycle parking for retail customers or non-commute trips (Effectiveness 1 - 2% of non-work trips); (e) Provide direct, safe, attractive pedestrian access from project to transit stops and adjacent development (Effectiveness 0.5 - 1.5% of all trips).*

- The project sponsor will provide secure, covered bicycle parking at a ratio of one bike space for every twenty car spaces. This parking will be located in a well-lighted area as close as possible to residences and shops.
- The project will be easily accessed from an N-Judah MUNI Metro stop located less than 500 feet south of the project site.

*Provide sidewalks and/or paths, connected to adjacent land uses, transit stops, and/or community-wide network (Effectiveness 0.1 - 1% of all trips).*

- With the implementation of The Embarcadero Roadway project, a 25-foot promenade was established along the waterside and a 10-foot sidewalk was provided along the inland side of The Embarcadero. This wide walkway along the water's edge in combination with a standard sidewalk along the inland roadway would provide adequate capacity to meet the pedestrian demands during the peak demand periods.

*Rideshare Measures: Implement carpool/vanpool program (e.g., carpool ride-matching for employees, assistance with vanpool formation, provision of vanpool vehicles, etc.) (Effectiveness 1 - 4% of work trips).*

- Provide ride-matching service to employees to aid in the formation of carpools. This could be a contracted service provided by an outside agency.

*Services Measures: (a) Provide on-site shops and services for employees, such as food service, bank/ATM, dry cleaners, etc. (Effectiveness 0.5 - 5% of work trips); (b) Provide on-site child care, or contribute to off-site child care within walking distance (Effectiveness 0.1 - 1% of work trips).*

- Ensure that the retail tenant mix includes convenience services for project employees.

*Parking Measures: Provide preferential parking for carpool and vanpool vehicles (Effectiveness 0.5 – 1.5% of work trips).*

- Provide preferential carpool and vanpool parking for employees. These spaces should be the ones most conveniently located to the work areas.

*(Corresponds to 1997 Waterfront Plan FEIR Mitigation Measure F-2)*

E.3 The project sponsors shall establish an emission reduction program that identifies specific air emissions criteria for cruise ships and includes incentives and other means that will reduce the air quality impacts of cruise ships using the Piers 30-32 terminal. To this end, the project sponsors will undertake the following actions:

- Establish an air quality advisory group to the Port Commission, meeting on a regular basis, with the purpose of establishing reduction criteria and corresponding incentives to reward cruise lines that meet or exceed the emissions reduction criteria. This group will be established upon the approval of the cruise terminal project by the Port Commission. The group will include representatives from the cruise industry, Bay Area Air Quality Management District, the Port, SFCT, the San Francisco Bar Pilots, the cruise terminal operator, the Rincon Point–South Beach Citizen Advisory Committee, a local area public health organization, and at least one environmental organization whose primary stated purpose is to address issues pertaining to air quality in the Bay Area. This advisory group would make recommendations to the Port Commission to establish incentives that reduce air pollution emissions.

- The role of the advisory group shall also include review, and recommendations to the Port Commission, of measures to address air quality impacts, including use of technologies and alternative fuels, such as low sulfur content fuel, and reduced cruise ship speeds, if proven effective in reducing nitrogen oxide and $PM_{10}$ emissions. The advisory group may also make recommendations to the Port Commission on how to most effectively contribute to programs that will result in the reduction of pollutants in the area.

- Following consultation with the working group, adopt an incentive program prior to the commencement of cruise operations at Piers 30-32. This shall involve reduced fees for ships that meet or exceed the emissions reduction criteria and will also include Port recognition and promotion of cruise lines that are committed to environmentally responsible operations, including the deployment of ships using reduced emission system technology or cleaner burning fuel.

E.4 The project sponsor shall ensure that any equipment, including fork lifts, passenger linkways, back-up generators and the like, used primarily at Pier 30-32 and operated by the Port and/or the cruise terminal operator has lower emissions than existing diesel equipment for each respective use. The lower emission requirement may be achieved through the use of low emission fuels, more efficient equipment or similar emerging technologies.

E.5 The project sponsor shall require that all trucks and buses on the Cruise Terminal project shut down their engines within 5 minutes of parking at the project.

## OTHER ENVIRONMENTAL ISSUES ADDRESSED IN THE 1997 WATERFRONT PLAN EIR

### MITIGATION MEASURES

#### *BIOLOGY (Both Projects)*

Mitigation Measure H-1 of the 1997 Waterfront Plan FEIR is incorporated herein by reference (see page 5 of Appendix F for the text of the measure).

#### *GEOLOGY, SOILS, AND SEISMICITY (Cruise Terminal Project only unless otherwise indicated)*

Mitigation Measures I-1, I-3, I-4 (*both projects*), I-5, I-7, I-8, I-9 (*both projects*), I-10 (*both projects*), and I-11 (*both projects*) of the 1997 Waterfront Plan FEIR are incorporated herein by reference (see pages 6 through 15 of Appendix F for the text of the measures).

## E. ALTERNATIVES TO THE PROPOSED PROJECTS (p. 179)

### CRUISE TERMINAL PROJECT

#### *NO PROJECT ALTERNATIVE*

Under the No Project Alternative, the project site would remain in its existing condition. No new development would take place on the site and no changes to the existing pier structure would occur. Both components of the project site would continue their current uses. However, this alternative would not preclude future proposals for redevelopment of the project site.

Because this alternative would not result in any physical changes to the project site, no effects would occur to land use, views, or other aspects of visual quality. This alternative would result in no increase in vehicle travel or transit use in the project vicinity. The expected increase from 40 to 69 ship calls per year would likely still occur at Pier 35, thereby resulting in related increases in vehicle trip generation, parking and loading demand, transit use, and pedestrian and bicycle traffic. These effects would, however, be concentrated in the vicinity of Pier 35 and would not affect the project site or vicinity. As such, there would be no project site-specific effects on intersection conditions, transit use, parking, loading, or pedestrian or bicycle traffic. Significant intersection level of service impacts that would occur as a result of the project would not occur. Local transit operating conditions that would be significantly affected under cumulative conditions by the proposed project would not occur.

Under this alternative, there would be no effect on shadows or wind speeds. Similarly, this alternative would not result in new effects related to hazardous materials. Air quality effects associated with project construction and increased traffic in the project vicinity would be avoided, although some of the related additional traffic would instead occur in the vicinity of Pier 35. However, the expected increase in ship calls, while less than would occur with the proposed project, would still result in significant regional air quality effects.

#### *SEAWALL LOT HOTEL ALTERNATIVE*

Under the Seawall Lot Hotel Alternative, development on Pier 30-32 would be nearly identical to that proposed as part of the project (except would have 550 rather than 450 parking spaces), but development on the seawall lot would involve construction of a hotel rather than residential condominiums. Differences with the seawall lot program would include a 400-room hotel plus 111 time-share units, rather than 350 residential condominiums; 190 parking spaces, rather than 350 spaces; and 1,500 sq. ft. of ground-floor retail, rather than no retail space. The site plan would also differ in that the buildings would be constructed around the perimeter of the site and oriented around a large central courtyard. Further, in contrast to the proposed project, the building heights under this alternative would not exceed the Planning Code limit of 105 feet and would not require a height reclassification or an exception to the bulk limits.

This alternative would involve a different seawall lot site plan with noticeably shorter buildings and therefore would result in improved views for some private residences to the northwest and west. The decreased height of development on the seawall lot would not, however, substantially improve views from existing private residences or public rights of way, looking either east (towards the waterfront) or west (from the waterfront) back to the seawall lot. Like the proposed project, visual quality effects would be less than significant.

With respect to traffic, this alternative would generate 84% to 89% of the net weekday PM peak hour vehicle trips generated by the proposed project for the three analysis conditions. While this reduction in trips would provide some relief to traffic congestion, it would not be enough to eliminate any of the identified significant intersection impacts. Similarly, the reduction in transit trips would be about two percent, and therefore would not eliminate the significant cumulative local transit impact that would occur with the proposed project. This alternative's shortfall of Code-required parking would be about 260 spaces less than that provided by the project. When comparing parking demand to parking supply, the shortfall would range from 575 spaces in the Base Case to 840 spaces during the Cruise Season, a reduction of 275 to 295 spaces compared to the project. As such, an exemption from the parking requirement on Pier 30-32 would still be required and no significant parking impacts would occur. All impacts associated with loading, pedestrian movement, and bicycles would be the same as the project.

Stormwater runoff, sewer system, dredging, construction, and shipping related effects on water quality would be identical to those of the proposed project. Like traffic effects, air quality effects would be improved slightly, but would not result in any perceivable differences. Because ship related and vehicle emissions would be very similar to those of the proposed project, air quality impacts would be the same as those of the proposed project. Although building forms and heights would be generally smaller on the seawall lot under this alternative, shadow and wind effects would not change substantively.

### *PIER 30-32 REDUCED INTENSITY ALTERNATIVE*

Under the Pier 30-32 Reduced Intensity Alternative, development on the seawall lot would be identical to that of the project except that the building heights and bulk would be consistent with the property's existing height and bulk requirements. As such, no building would be taller than 105 feet. The Pier 30-32 program under this alternative would be identical to the proposed project except that each use would be substantially reduced. As such, this alternative would include a 60,000 sq. ft. terminal with 12,000 sq. ft. of event space and one cruise ship berth (on either the east or north side of the pier), 230,000 sq. ft. of office space, 110,000 sq. ft. of retail space, and 275 parking spaces. The result would be a site plan nearly identical to that of the project, but with the exception of the cruise terminal, all of the buildings would be two levels, and approximately 35 feet tall rather than 46 feet tall. The cruise terminal would provide less office space, but similar to the project, would range in height from 46 to 88 feet. The Pier 30-32 Reduced Intensity Alternative would be the environmentally superior alternative, as is required to be identified by *CEQA Guidelines* Section 15126.6(e)(2).

Under this alternative, no exception to the bulk limits or height reclassifications would be required. This alternative would potentially result in improved views from some private residences, including some of the units on the upper floors of developments to the northwest and west. The decreased height of development on the seawall lot and pier, as well as the use of only one ship berth would not, however, substantially improve views from public rights of way. Like the proposed project, visual quality effects would be less than significant.

With respect to traffic, this alternative would generate 43% to 48% of the net weekday PM peak hour vehicle trips generated by the project. The reduction in vehicle trips under this alternative would eliminate significant traffic impacts at the Second/King and Third/King intersections under Existing Plus Project conditions. While the reduction in trips would also provide some relief to congestion at other intersections, it would not be enough to eliminate any of the other project-identified significant intersection impacts. The reduction in transit trips would be about 46 percent, and therefore would eliminate the significant cumulative local transit impact that would occur under the proposed project. Although this alternative would include only one cruise ship berth, it is likely that nearly the same number of total ship calls would occur at the Port, but those calls (and their related traffic impacts) would be dispersed between the project site and, most likely, Pier 35 (where cruise ships currently call). However, the majority of calls would still occur at Pier 30-32.

The greatest Code-required parking shortfall would occur during the Off-Season, with a shortfall of about 645 spaces, and would lessen to a shortfall of 590 spaces under Base Case conditions. When comparing parking demand to parking supply, the shortfall would range from 435 to 700 spaces. As such, an exemption from the parking requirement on Pier 30-32 would still be required and no significant parking impact would occur. All impacts associated with loading, pedestrian movement, and bicycles would be the same as the project.

The stormwater runoff effects would be nearly identical to those of the project. Because this alternative would have substantially less intensive uses on the pier, its sewer flow would be less, although not enough to change substantially the overall contribution to the combined system. Similarly, shipping related and construction effects on water quality would be identical to those of the project. If only the east berth were to be used, it is likely that no dredging would need to occur because of that berth's adequate existing depth. If the north berth were used, the amount of maintenance dredging and the nature of related effects would be the same as those associated with the proposed project.

Like traffic effects, air quality effects under this alternative would be improved considerably, but would not result in any perceivable differences. Because ship related emissions would be the same as the proposed project and vehicle emissions from the decrease in trips would not be substantial enough to lessen the related adverse effects, air quality impacts would be the same as those of the proposed project. Although building forms and heights would be generally smaller on the seawall lot under this alternative, shadow and wind effects would not change substantively.

## *SEAWALL LOT REDUCED INTENSITY ALTERNATIVE*

Under the Seawall Lot Reduced Intensity Alternative, development on Pier 30-32 would be identical to that proposed as part of the project, but development on Seawall Lot 330 would involve construction of 200 residential units (150 fewer units than the proposed project) and 200 parking spaces (150 spaces fewer than the proposed project). Further, the site plan for the seawall lot would also differ in that it would have the largest buildings at the western corner and in the middle of the property, while minimizing the height and bulk of buildings along the northeastern and southeastern edges of the property.

Under this alternative, no exception to the bulk limits or height reclassification for the seawall lot would be required. This alternative would potentially result in improved views from some private residences, including some of the units on the upper floors of developments to the northwest and west. The decreased height of development on the seawall lot would not, however, substantially improve views from public rights of way. Like the proposed project, visual quality effects would be less than significant.

With respect to traffic, this alternative would generate 92% of the net weekday PM peak hour vehicle trips generated by the proposed project for the three analysis conditions. While this reduction in trips would provide some relief to traffic congestion, it would not be enough to eliminate any of the identified significant intersection impacts. Similarly, the reduction in transit trips would be about three percent, and therefore would not eliminate the significant cumulative local transit impact that would occur with the proposed project. This alternative's shortfall of Code-required parking would be nearly identical to that of the project. When comparing parking demand to parking supply, the shortfall would be about 40 spaces less than that of the proposed project, ranging from 825 spaces in the Base Case to 1,090 spaces during the Cruise Season. As such, an exemption from the parking requirement on Pier 30-32 would still be required and no significant parking impact would occur. All impacts associated with loading, pedestrian movement, and bicycles would be the same as the project.

Stormwater runoff, construction, dredging, and shipping related effects on water quality would be nearly identical to those of the proposed project. Because this alternative would have fewer residential units than the project, its sewer flow would be less, but not enough to change substantially the overall contribution to the combined system. Like traffic effects, air quality effects would be improved slightly, but would not result in any perceivable differences. Because ship related and vehicle emissions would be identical or very similar to those of the proposed project, air quality impacts would be the same as those of the proposed project. Although building forms and heights would be generally smaller on the seawall lot under this alternative, shadow and wind effects would not change substantively.

## *REDUCED BUILDING HEIGHT ALTERNATIVE*

Under the Reduced Building Height Alternative, the development program on the seawall lot would be identical to that of the proposed project, but the seawall lot building heights would differ from the project in the following ways: the northeast tower would be reduced from 13 stories and 130 feet tall to 7 stories and 75 feet; the west tower would increase from 17 stories and 187 feet tall to 20 stories and 220 feet; and the street level units along Bryant Street would be reduced from 6 stories and 70 feet tall to 5 stories and 50 feet, except the easternmost two units, which would be further reduced to 4 stories and 40 feet.

Other than a reduction in retail space from 220,000 gsf to 195,000 gsf, Pier 30-32 would have the same program as the proposed project. The pier site plan would, however, be substantially redesigned, with the following principal changes: 1) the lagoon would be located closer to the center of the pier within the existing pier footprint; 2) the street frontage of the buildings along The Embarcadero would be split, allowing east-west pedestrian and visual access; 3) the parking would be constructed directly on the existing pier deck, rather than being constructed partially (four feet) below the pier deck and as a podium below office and retail space; 4) the secondary driveway off of The Embarcadero would be eliminated; 5) none of the non-terminal buildings would exceed the pier's height limit of 40 feet; and 6) less new pier deck would be constructed and therefore less new fill would be required.

Other than the 220-foot tall west tower, which would still require an exception to the bulk limits and a height reclassification, all of the buildings on the seawall lot would be consistent with the property's height and bulk limits. Because this alternative would include pier buildings that would not exceed 40 feet (excluding the exempted terminal structure), no height reclassification would be required for the pier component of the project. Like the proposed project, this alternative would have less than significant effects related to land use, plans, and policies.

Like the proposed project, this alternative would not result in significant effects to views or any other aspect of visual quality. This alternative would, however, substantially improve private views looking eastward from residences on the upper floors of buildings to the west and northwest of the seawall lot. The increased height of the seawall lot's west tower would likely partially or completely obstruct eastward looking private views that would not be obstructed under the proposed project. Views from The Embarcadero looking north, west, and southwest to the seawall lot would differ due to the redistribution of mass on the seawall lot, but would generally have the same effect as some buildings would be shorter and the west tower would increase in height. Views looking southeast towards the Bay down Main Street would still be blocked by new development on the seawall lot, although the obstructing buildings would be shorter. The decreased height of development on the seawall lot would not, however, substantially improve views from public rights of way, looking either east (towards the waterfront) or west (from the waterfront) back to the seawall lot. In addition, with no ship in the eastern berth, the reoriented pier site plan would allow for improved views of the Bay from The Embarcadero through the pier development.

With respect to traffic, this alternative would result in a slight reduction in the number of daily and PM peak hour person trips, but not enough to change the level of service at any of the study intersections

under the scenarios analyzed for the proposed project. As such, none of the significant traffic impacts identified for the proposed project would be eliminated under this alternative. Because this alternative would eliminate the secondary driveway access to the pier from The Embarcadero, potential pedestrian conflicts at this driveway that could occur with the proposed project would not occur. All other traffic, parking, and circulation effects would be the same as those for the proposed project.

As with the proposed project, stormwater runoff and sewer system (including CSO) effects would be less than significant. Similarly, shipping related effects on water quality, effects from dredging for the two berths, and impacts from land-based and water-based construction activities would be identical to those of the proposed project. Air quality effects would be nearly identical to those of the proposed project and therefore the two significant impacts identified for the proposed project on regional air quality and cumulative regional air quality would remain significant. Shadow and wind effects on Pier 30-32, despite generally lower buildings and one taller building, would be very similar to those of the project, and would be less than significant. Effects related to hazardous materials would be the same under this alternative as they would with the proposed project.

# BRANNAN STREET WHARF PROJECT

## *NO PROJECT ALTERNATIVE*

Under the No Project Alternative, the project site would remain in its existing condition. No new development would take place on the site and no changes to the existing Pier 36 or marginal wharf would occur. Because implementation of the Wharf project is linked to development of the Cruise Terminal project, the No Project Alternative would only occur if the Cruise Terminal project were not implemented. The Wharf project could potentially still be constructed either in connection with a separately approved Port project or independently.

Because this alternative would not result in any physical changes to the project site, any public land use benefits associated with the project, including increased access to the waterfront and the creation of additional recreational space, would not occur. Similarly, the visual benefits that would occur as a result of the project's demolition of an existing pier (including the structure located on it), expansion of an open water basin, and construction of open space, would not occur.

Like the project, the No Project Alternative would have no traffic impacts. However, unlike the project, this alternative would not disrupt the existing minimal traffic flow to and from the Pier 36 component of the project site. Like the proposed project, there would be no effect on shadows or wind speeds under this alternative. Similarly, this alternative would not result in new less than significant effects related to hazardous materials associated with construction of the proposed project. Less than significant construction-related air quality effects that would occur with the proposed project would not occur under this alternative. Less than significant effects associated with the construction of the new wharf area, considered Bay fill, would not occur.

## *REDUCED FILL ALTERNATIVE*

Under this alternative, the Wharf open space would be constructed with a different configuration than would the proposed project. Under this alternative, some of the existing marginal wharf would be repaired (rather than removed) and the Wharf would be 1,000 feet long (parallel to The Embarcadero) and 60 feet wide. As such, the open space would be slightly larger than with proposed project (60,000 sq. ft. rather than 57,000 sq. ft.) and construction would require 35,000 sq. ft. of new pile-supported wharf area, rather than 45,000 sq. ft. In all other respects, this alternative would be nearly identical to the proposed project.

Effects associated with the construction of 35,000 sq. ft. of new wharf area, considered Bay fill, would be slightly less than those with the proposed project. All other environmental effects, including those related to land use, visual quality, transportation, shadow, wind, air quality, and hazardous materials, would be nearly identical to those of the proposed project. This alternative would be the environmentally superior alternative, as is required to be identified by *CEQA Guidelines* Section 15126.6(e)(2).

## CRUISE TERMINAL PROJECT

## COMPARISON OF PROJECT IMPACTS WITH IMPACTS ASSOCIATED WITH EACH PROJECT ALTERNATIVE

| Issue | Project | No Project Alternative | Seawall Lot Hotel Alternative | Pier 30-32 Reduced Intensity Alternative | Seawall Lot Reduced Intensity Alternative | Reduced Building Height Alternative |
|---|---|---|---|---|---|---|
| | | | | | | |
| Land Use | LTS | LTS | LTS | LTS | LTS | LTS |
| Visual Quality | LTS | LTS | LTS | LTS | LTS | LTS |
| Transportation, Circulation, and Parking | • Traffic – Existing + Project: Significant impacts at five intersections (Second/King, Third/King, The Embarcadero/Bryant, Harrison/Fremont, and Harrison/First) under all scenarios. With mitigation, only The Embarcadero/ Bryant intersection in the Weekend peak hour would improve to LTS. All others would be significant and unavoidable. | LTS | Same significant impacts as project. | Same significant impacts as project, except Second/King and Third/King would improve to LTS. | Same significant impacts as project. | Same significant impacts as project. |
| | • Traffic – Cumulative 2020: Significant impacts at eight intersections (The Embarcadero/ Howard, The Embarcadero/Folsom, The Embarcadero/ Bryant, The Embarcadero/Brannan, Harrison/Fremont, Harrison/First, Second/King, and Third/King) under all scenarios. With mitigation, only The Embarcadero/Bryant intersection in the Weekend peak hour would improve to LTS. All others would be significant and unavoidable. | LTS | Same significant impacts as project. | LTS | Same significant impacts as project. | Same significant impacts as project. |
| | • Transit: All Existing + Project impacts would be LTS. Significant cumulative impact for contribution to MUNI southeast screenline. With mitigation, impact would improve to LTS. | LTS | Same significant impacts as project. | LTS | Same significant impacts as project. | Same significant impacts as project. |
| | • Parking/Bicycles: LTS | LTS | LTS | LTS | LTS | LTS |
| | • Loading/Pedestrians: LTS with mitigation. | LTS | Same LTS impact with mitigation as project. | Same LTS impact with mitigation as project. | Same LTS impact with mitigation as project. | Same LTS impact with mitigation as project. |

LTS = Less than significant impacts.

**CRUISE TERMINAL PROJECT**

**COMPARISON OF PROJECT IMPACTS WITH IMPACTS ASSOCIATED WITH EACH PROJECT ALTERNATIVE (Cont.)**

| | | | | | | |
|---|---|---|---|---|---|---|
| Hydrology and Water Quality | • Cruise ship discharges: LTS with mitigation.<br><br>• Dredging and all other water quality: LTS. | LTS<br><br>LTS | Same LTS impact with mitigation as project.<br><br>LTS | Same LTS impact with mitigation as project.<br><br>LTS | Same LTS impact with mitigation as project.<br><br>LTS | Same LTS impact with mitigation as project.<br><br>LTS |
| Air Quality | • Construction: Significant, but would improve to LTS with mitigation.<br><br>• Vehicle/ship criteria air emissions: Significant and unavoidable. Related cumulative regional impact would also be significant and unavoidable.<br><br>• CO concentrations and TACs: LTS. | LTS | Same as project.<br><br>Same as project.<br><br>Same as project. | Same as project.<br><br>Same as project.<br><br>Same as project. | Same as project.<br><br>Same as project.<br><br>Same as project. | Same as project.<br><br>Same as project.<br><br>Same as project. |
| Shadow | LTS | LTS | LTS | LTS | LTS | LTS |
| Wind | LTS | LTS | LTS | LTS | LTS | LTS |
| Hazardous Materials | LTS | LTS | LTS | LTS | LTS | LTS |
| Growth Inducement | LTS | LTS | LTS | LTS | LTS | LTS |

# CHAPTER II
## PROJECT DESCRIPTION

### A. OVERVIEW

This Draft SEIR evaluates the potential for impacts to the environment for two linked but separate proposed projects: the San Francisco Cruise Terminal Mixed-Use Project (Cruise Terminal project) and the Brannan Street Wharf project (Wharf project). The Cruise Terminal Project, as proposed by its two sponsors, San Francisco Cruise Terminal, LLC and the Port of San Francisco, includes two major components. The first component would involve the construction and use of a new cruise ship terminal for cruise ships that call at the Port of San Francisco, and would include retail, office, restaurant, entertainment, recreational space and open space all located on Pier 30-32. The second component of the Cruise Terminal project would include a residential project on Seawall Lot 330, located across The Embarcadero from Pier 30-32. The second project analyzed in this SEIR is the Brannan Street Wharf project, which would involve the demolition of Pier 36 and the creation of a new public open space in the area of the existing marginal wharf. These projects are described in greater detail below.

### B. SITE LOCATION AND EXISTING CONDITIONS

Situated just south of the Bay Bridge along the waterfront in the northeastern part of San Francisco, the two adjacent project sites are located along The Embarcadero between Bryant and First Streets (see Figure 1 for an aerial view of the project vicinity). To the east of The Embarcadero is Pier 30-32, which is a 571,988 square-foot (sq. ft.) rectangular pier formed from two previously separate piers. Directly opposite Pier 30-32 to the west of The Embarcadero is Seawall Lot 330, a 123,956 sq. ft. triangular property bounded by Bryant Street to the north and west, Beale Street to the south, and The Embarcadero to the east. Together, these two properties constitute the Cruise Terminal project site. Immediately to the south of Pier 30-32 is Pier 36 (about 91,845 sq. ft.) and the marginal wharf area (approximately 25,000 sq. ft.) between Piers 30-32 and 38. This area defines the Brannan Street Wharf project site.

The adjacent South of Market (SOMA) neighborhood is composed primarily of large-lot, multi-story office and residential buildings. Multi-family residential complexes, including Bayside Village and Portside Condominiums, are located across Beale and Bryant Streets from the site, respectively, while 301 Bryant Street, Baycrest Condominiums, and Bridgeview Condominiums are each located one block from the site. Hills Plaza, Rincon Center, and South Beach Marina Apartments, all large mixed-use developments, are located one to three blocks away to the north of the Bay Bridge. To the south of Pier 36, Pier 38 is occupied by a shed building used for dryboat storage, maritime office space, and a restaurant (planned). Pier 28, to the north, is occupied by a shed building used for commercial fish processing and other commercial and industrial uses. As indicated by the Waterfront Plan, both piers include either a pier

*SF Cruise Terminal Mixed-Use Project and Brannan Street Wharf Project* ■

**Figure 1**
Project Site Location and Vicinity

shed or pierhead designated as historically Significant or Potentially Significant. Pacific Bell Park is located two blocks to the south along The Embarcadero. The PortWalk promenade, intended to ultimately provide a continuous waterfront public accessway from Fisherman's Wharf through Mission Bay, connects the piers and Pacific Bell Park with the rest of the waterfront uses to the north.

Pier 30-32, which is constructed on pilings over the water, is largely vacant except for the 1,500 sq. ft. freestanding Red's Java House restaurant located in the northwestern corner of the pier along The Embarcadero. Pier 30-32 is also used for parking, as well as for temporary berthing of ships, outdoor storage, and short-term special events. The seawall lot is paved and without structures, and is currently used for public parking.

Pier 36 has an approximately 45,000 sq. ft. shed building on it and an apron (open area along a pier's perimeter) that surrounds it that ranges in width from 10 feet on the north to 80 feet on the south. The pier is occupied by Delancey Street Movers, which uses it for vehicle storage and warehousing. The marginal wharf area is made of steel reinforced concrete pilings and a steel and concrete deck overlaid with asphalt. There is a one-foot by one-foot wooden curb along the edge of the wharf nearest the water. The marginal wharf is largely unused, but some vehicle parking does occur on its eastern side.

## C. PROJECT SPONSORS' OBJECTIVES

### SAN FRANCISCO CRUISE TERMINAL MIXED-USE PROJECT

The project sponsor, the Port of San Francisco with the San Francisco Cruise Terminal, LLC, seeks to achieve the following objectives by undertaking this project:

- To provide a vibrant year-round mixed use development between Downtown and the Ballpark anchored by San Francisco's new Cruise Terminal with large publicly accessible open spaces incorporating pedestrian streets, plazas, a main lagoon feature and waterfront promenades and aprons providing an extension of the PortWalk to the perimeter of the pier.

- To create the new state-of-the-art James R. Herman International Cruise Terminal facility to enhance San Francisco's reputation as a world class city and tourist destination and accommodate current and projected cruise industry growth.

- To provide berthing facilities for waterborne transit, including ferries and water taxis and for commercial excursion and recreational boats.

- To provide waterfront commercial, recreational, retail and office uses and public access to create an authentic, urban San Francisco environment to attract the public to enjoy and appreciate San Francisco Bay on a year round basis, both day and night, and to distinguish San Francisco as a unique cruise destination.

- To provide commercial recreation opportunities including retail, assembly, entertainment and restaurants to meet the needs of the growing South of Market and South Beach residential community.

- To provide modern maritime and non-maritime office space to extend the fabric of the surrounding neighborhood onto the pier.
- To create an authentic urban experience for visitors and workers alike and ensure adequate patronage of the retail and commercial recreation uses.
- To ensure compatible uses on Seawall Lot 330, such as residential uses at a variety of income levels or a hotel, that assure overall financial viability of the project.
- To create a development with a distinctive architectural style for the South Beach Waterfront while respecting the scale of neighboring residential communities and further enhancing the South Beach environment.
- To provide parking and transportation/circulation facilities on the waterside to minimize the traffic impacts on the adjacent residential community.
- To create a financially sound development project which enhances the Port's financial position over the term of this leasehold.
- To create additional affordable and market-rate housing in the South Beach area.

### BRANNAN STREET WHARF PROJECT

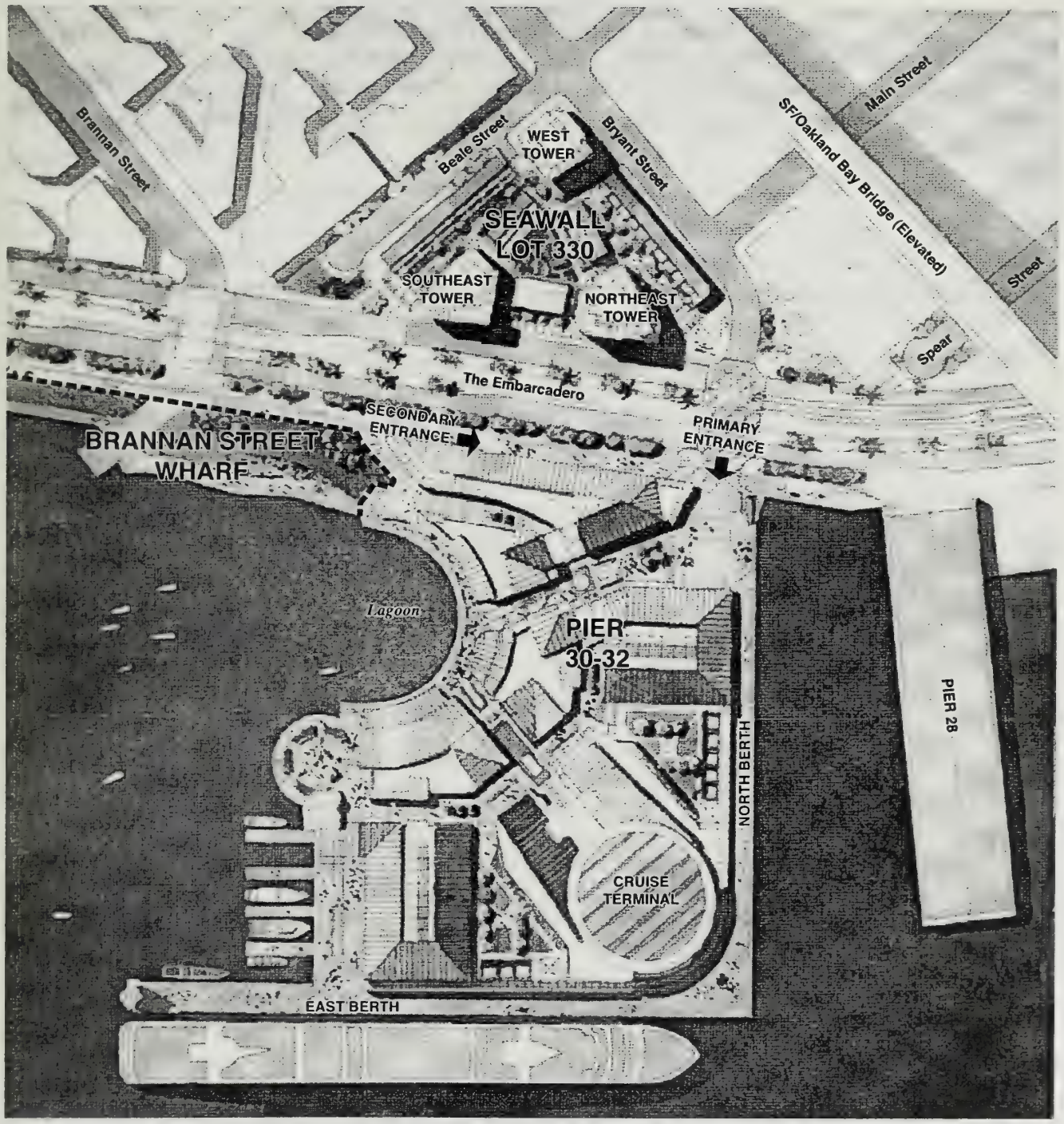
The project sponsor, the Port of San Francisco, seeks to achieve the following objectives by undertaking this project:

- To remove Pier 36 to create an open water basin.
- To create a major waterfront park that reflects a public planning process in the areas of former Pier 34 and Pier 36 to serve the South Beach neighborhood, San Francisco, and the region.
- To design the park so that it integrates well with the existing Herb Caen Way pedestrian walkway along The Embarcadero and maintains a distinct public character, yet complements public access areas in the Cruise Terminal project.
- To provide opportunities for public access to and views of the Bay.

## D. PROJECT CHARACTERISTICS AND APPROVALS REQUIRED

### PROJECT CHARACTERISTICS

Throughout this document, the San Francisco Cruise Terminal Mixed-Use Project will be referred to as the "Cruise Terminal project" and the Brannan Street Wharf Project will be referred to as the "Wharf project." See Figure 2 for a combined site plan and Table 1 for a summary of the components of each project.




SOURCE: SOM



**Figure 2**
Cruise Terminal Project Site Plan
(with Brannan Street Wharf)

## TABLE 1
## SUMMARY OF PROJECT CHARACTERISTICS

| Proposed Use | Description | Area (gsf) |
|---|---|---|
| **CRUISE TERMINAL PROJECT** | | |
| **Pier 30-32** | *571,988 sf - Existing site area* | |
| Cruise Terminal | Passenger Processing | 100,000 |
| Civic Space | Available during Off-Season | 20-50,000 |
| Office | Maritime and General | 370,000[1] |
| Retail | Variety (see below) | 220,000 |
| General | Books, furniture, etc. | 103,000 |
| Grocery | One grocery market space | 15,800 |
| Restaurant | Numerous restaurant spaces | 46,200 |
| Entertainment | Music club, etc. | 25,000 |
| Cinema | Six screens | 30,000 |
| Public Open Space | Plazas, green areas, open water areas, etc. | 300,000 |
| Parking | 450 spaces, bus and taxi area | 285,000 |
| Loading | 9 spaces | --- |
| Cruise Ship Berths | Two berths | --- |
| Excursion Berths | Four berths for ferries, etc. | --- |
| BUILDING AREA SUBTOTAL | --- | **1,275,000** |
| **Seawall Lot 330** | *123,956 sf – Existing site area* | |
| Residential Units | 350 units in eight buildings | 445,000 |
| Parking | 350 spaces | 127,000 |
| Open Space | At grade and on third level | 65,000 |
| BUILDING AREA SUBTOTAL | --- | **637,000** |
| **BUILDING AREA TOTAL** | | **1,912,000** |
| **BRANNAN STREET WHARF** | | |
| Existing Pier 36 | Removal of pier | - 91,845 |
| Existing Marginal Wharf Area | Repair of wharf area | 25,000 |
| Proposed Brannan Street Wharf | Passive Waterfront Open Space | 57,000 |

1 As provided for in Assembly Bill 1389, 325,000 net sq. ft. is allowed, which is equivalent to approximately 370,000 gross square feet (gsf).

## *SAN FRANCISCO CRUISE TERMINAL MIXED-USE PROJECT*

The sponsor of the Cruise Terminal project proposes a development program with two principal components: a mixed-use/cruise terminal component proposed for Pier 30-32 and a residential component proposed for Seawall Lot 330. Each component is described separately below.

### Pier 30-32 - Mixed-Use/Cruise Terminal Program

The project sponsor proposes a partial reconfiguration and structural upgrade of the Pier 30-32 structure, upon which would be constructed a new cruise terminal, a series of retail and office buildings, 450 parking spaces, and accessory open spaces. A berthing area for ferry and excursion boats, transient recreational boat berths, and waterfront open space would also be constructed adjacent to the pier. The project would include a collection of buildings of varying sizes constructed over a podium of parking and oriented around two ground-level plazas and interconnected pedestrian walkways (see Figures 3 to 9 for floor plans, elevations, and a perspective rendering of this project). The project architects for the pier buildings are Skidmore, Owings, and Merrill and the Jerde Partnership International. The elements of this component are as follows:

- Cruise Terminal: Construction of a two-level, 100,000 gross square-foot (gsf) structure that would serve as San Francisco's main terminal servicing cruise ships calling at the Port. Passengers departing from and arriving in San Francisco would embark/disembark in this facility, where ticketing and baggage services would also occur. Approximately 20,000-50,000 gsf of the terminal's space would be available to the public for civic and special events during the off-season, when ships are not in port. The terminal would be served by an 850-foot long berth along the pier's northern edge and a 1,000-foot long berth along the pier's eastern edge (created by a 365-foot long and maximum 50-foot wide southern extension of the existing pier). Maintenance dredging would be required to provide adequate depth at the northern berth. The eastern berth would require minimal maintenance dredging due to the scouring effects of currents on the berth areas. The berths and terminal would be designed to be used simultaneously by two cruise ships.

  With construction of the proposed terminal, the current approximately 40 annual cruise vessel calls accommodated elsewhere at the Port of San Francisco (primarily at Pier 35), would predominantly shift to Pier 30-32 (except when three vessels are simultaneously in port and Pier 35 would be needed). The proposed facility would be expected to serve about 69 calls (approximately 80,000 distinct passengers) in its first year of proposed operation in 2004, steadily increasing to as many as 107 calls (approximately 145,000 distinct passengers) by the year 2020.[1] It is expected that approximately two-thirds of the ships that would call on the proposed terminal would use San Francisco as its homeport.[2]

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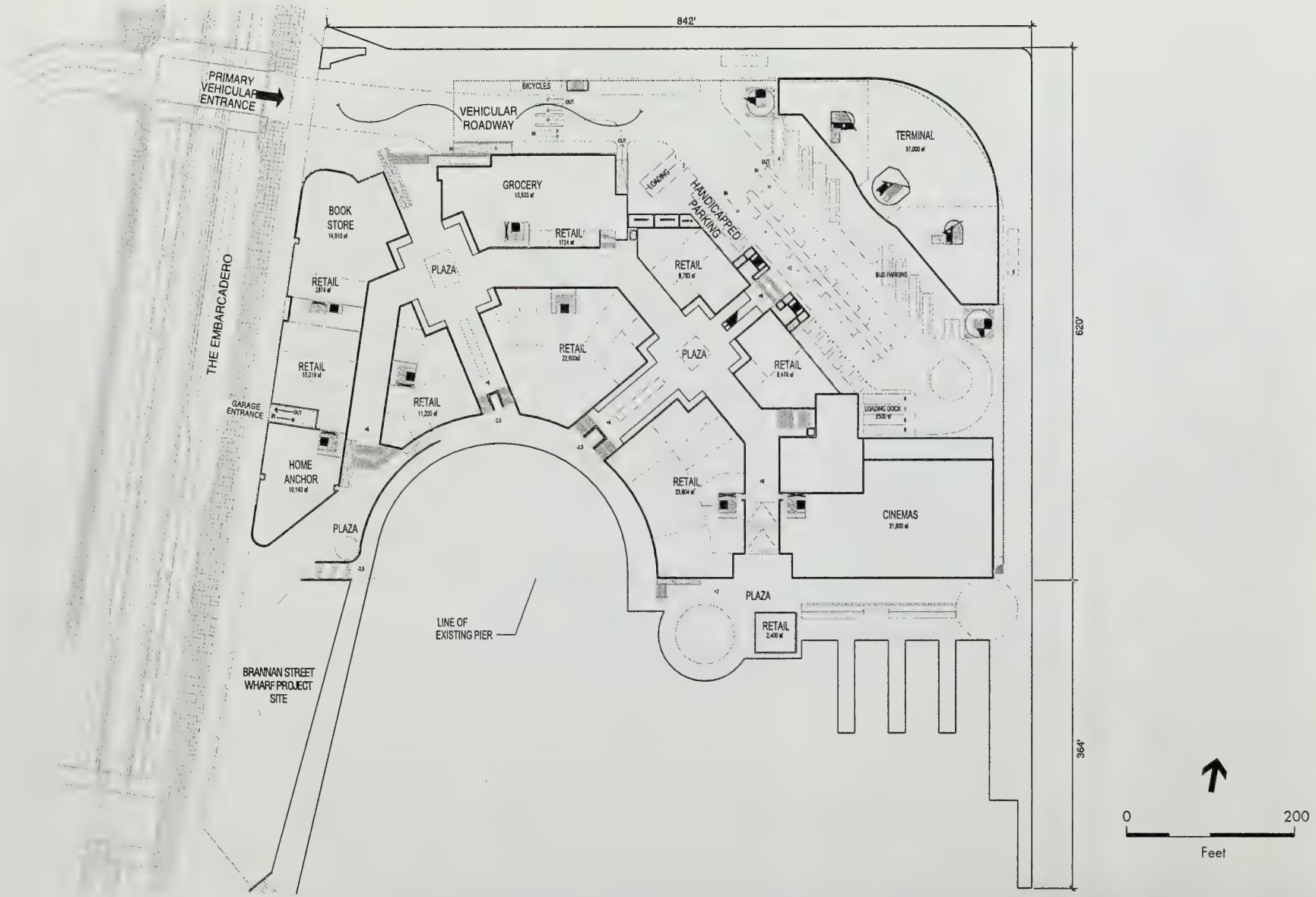
1 The average number of passengers per ship would be expected to increase as new larger ships replace the older smaller vessels currently being used. The number of expected future ship calls are as follows: 76 in 2006, 83 in 2008, 97 in 2010, 98 in 2012, 100 in 2014, 103 in 2016, and 105 in 2018.

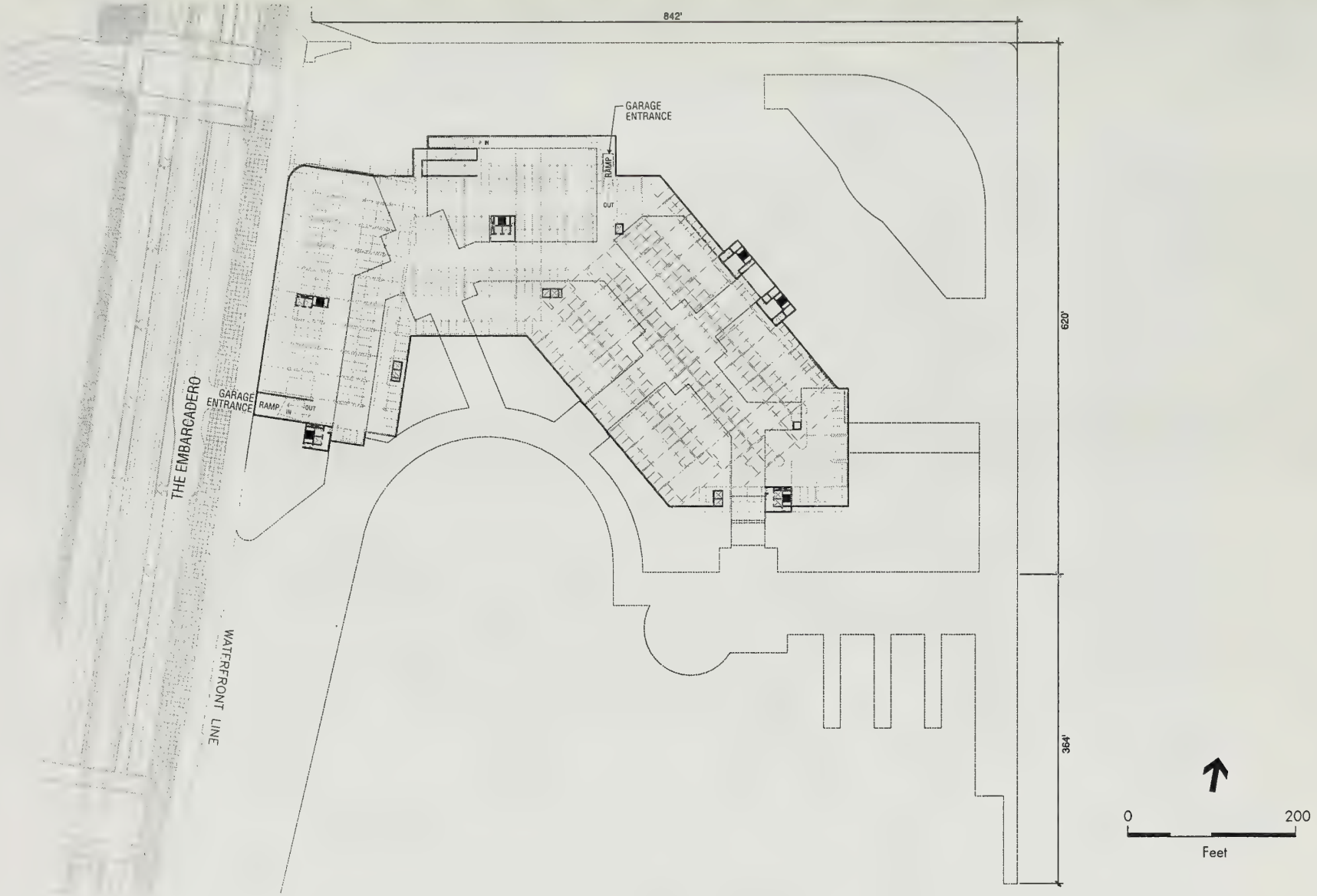
2 A homeport call is one where passengers begin and end their trip, as opposed to a "transit call," which is a stop along a route where passengers can disembark and then return to the ship.




SOURCE: SOM/JPI Architects

*SF Cruise Terminal Mixed-Use Project and Brannan Street Wharf Project* ■

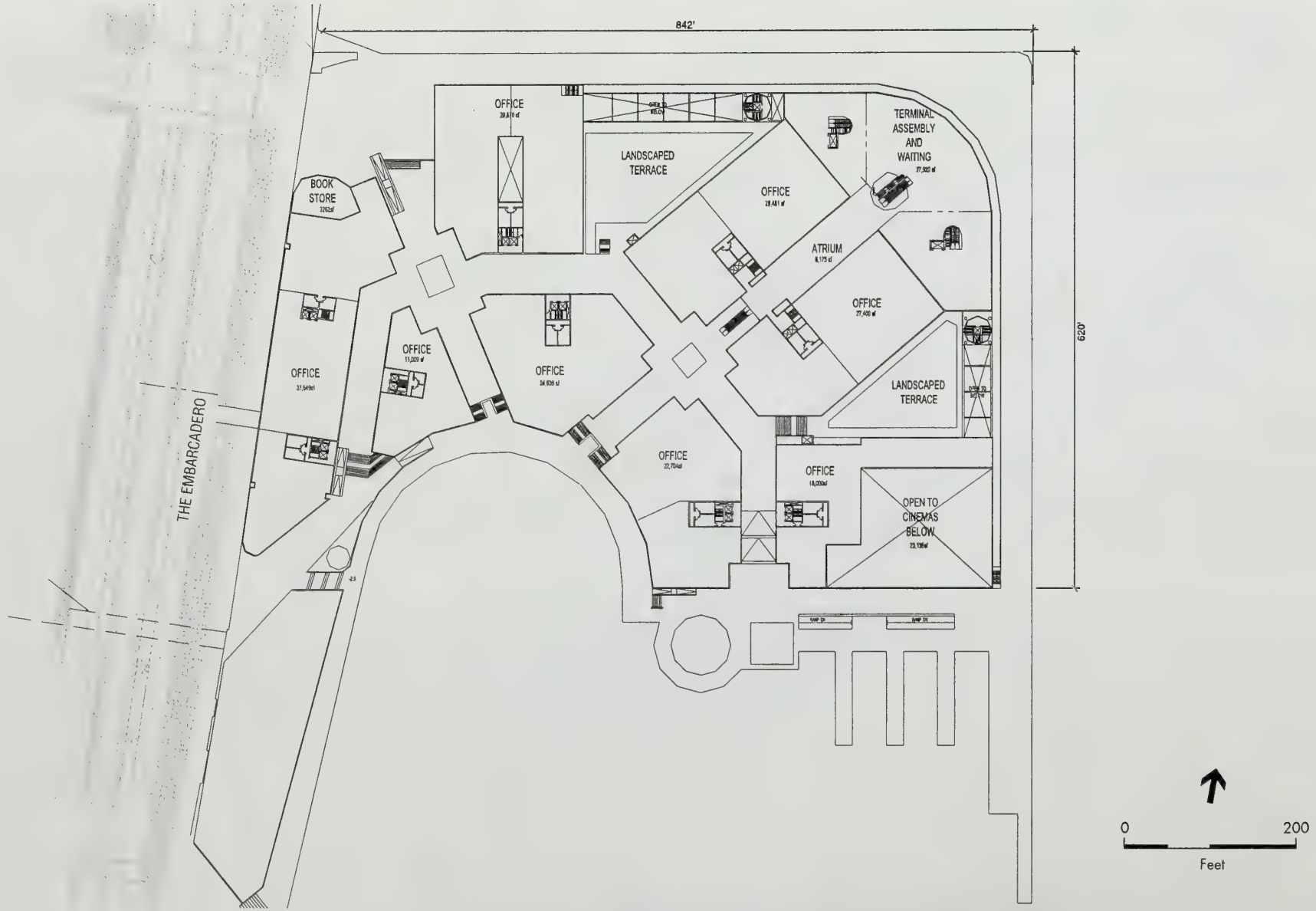
**Figure 3**
Cruise Terminal Project
Pier 30-32 - First Level Plan




SOURCE: SOM/JPI Architects

*SF Cruise Terminal Mixed-Use Project and Brannan Street Wharf Project* ■

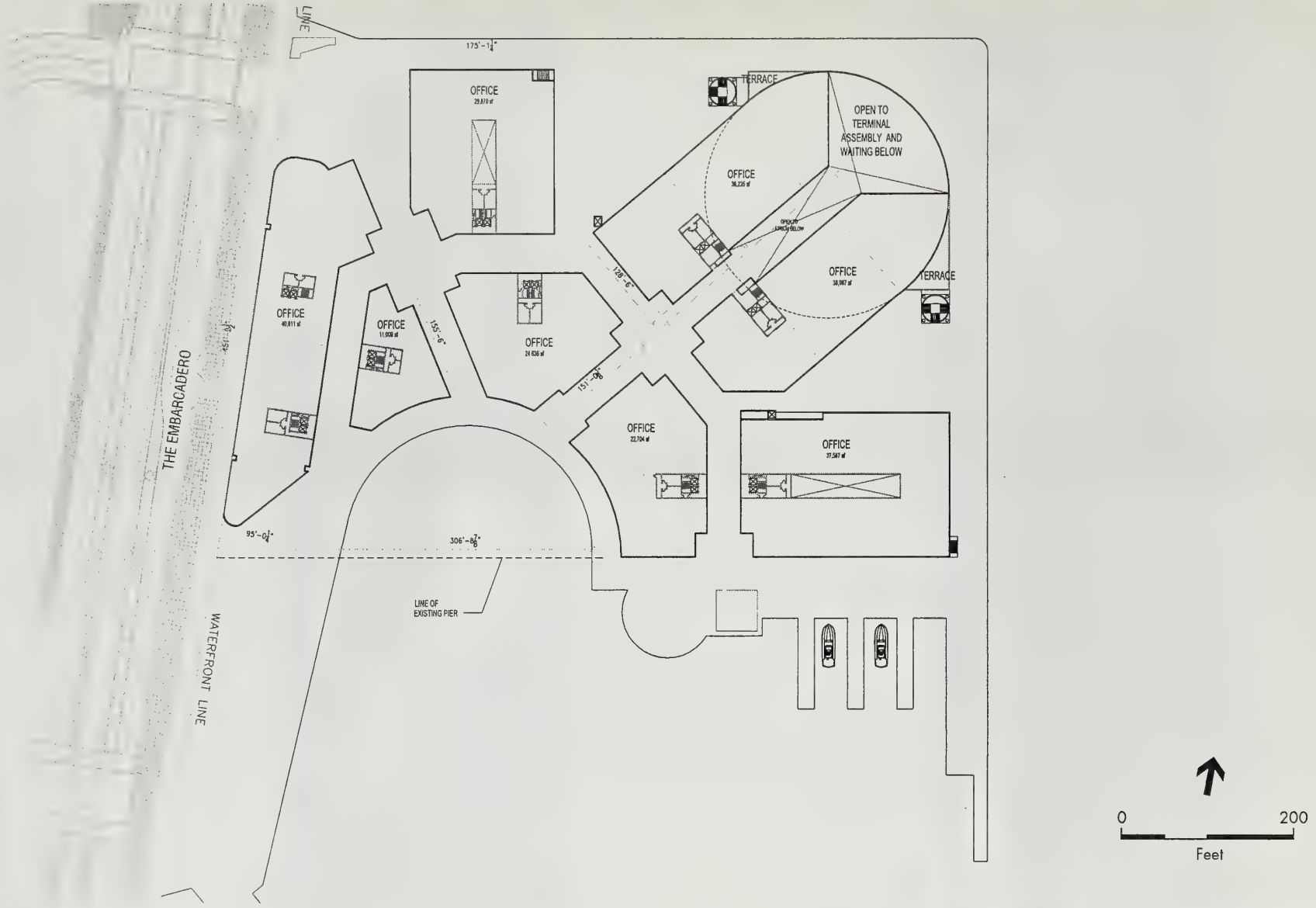
**Figure 4**
Cruise Terminal Project
Pier 30-32 - Parking Level Plan




SOURCE: SOM/JPI Architects



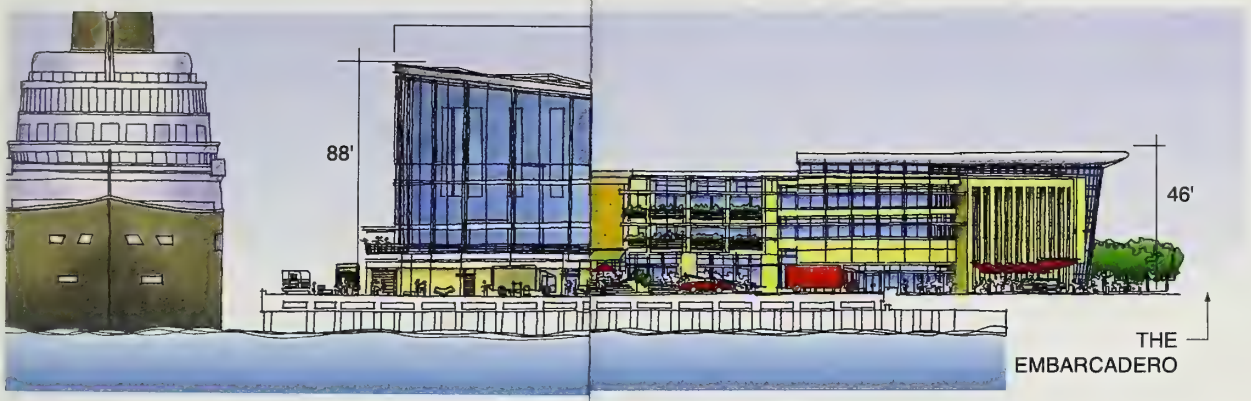
**Figure 5**
Cruise Terminal Project
Pier 30-32 - Second Level Plan



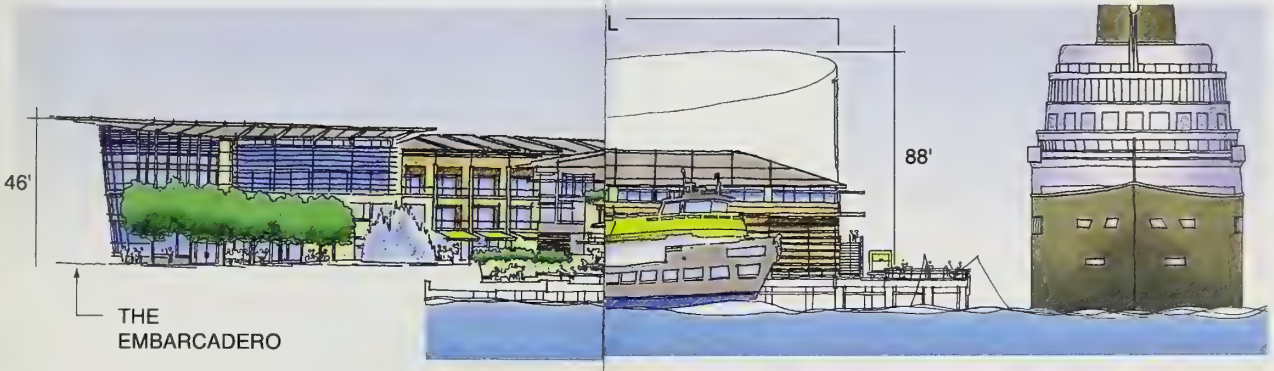

SOURCE: SOM/JPI Architects



**Figure 6**
Cruise Terminal Project
Pier 30-32 - Third Level Plan




North Elevation



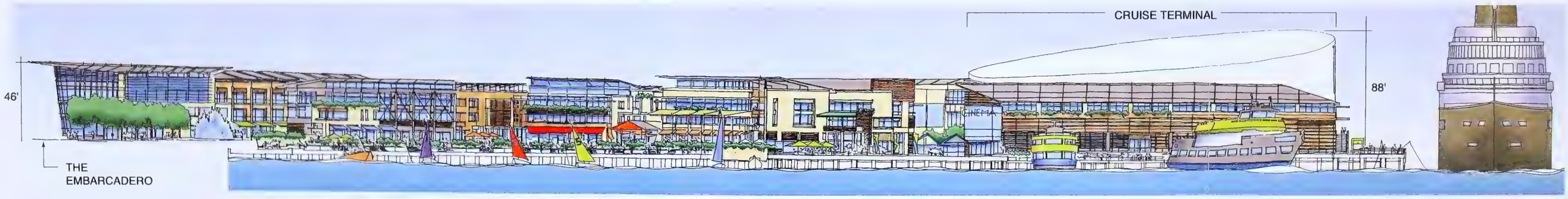

South Elevation

SOURCE: Skidmore, Owings + Merrill; Jerde Partnership



**Figure 7**
Cruise Terminal Project
Piers 30-32 - North and South Elevations

North Elevation




South Elevation

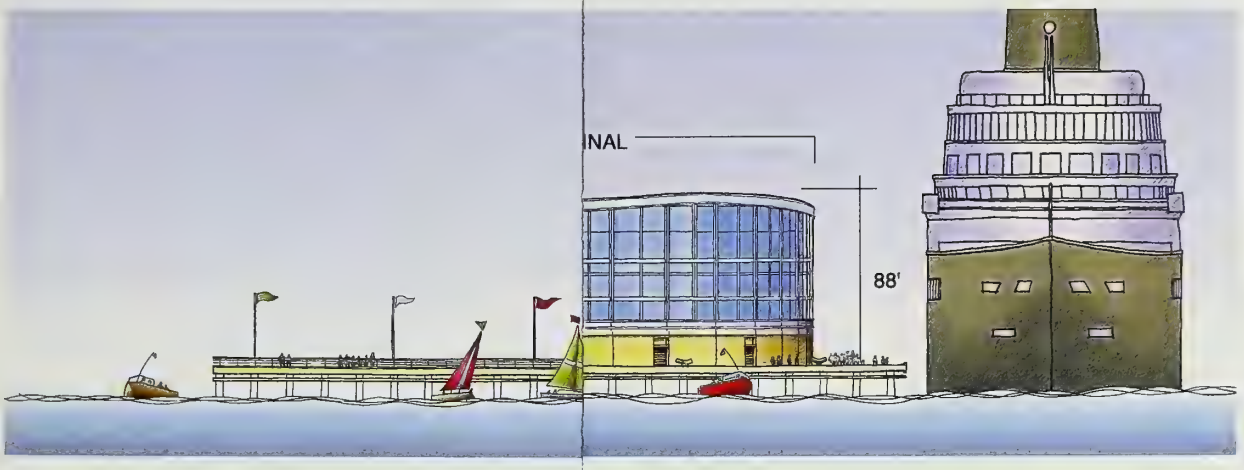
SOURCE: Skidmore, Owings + Merrill; Jerde Partnership

*SF Cruise Terminal Mixed-Use Project and Brannan Street Wharf Project* ■

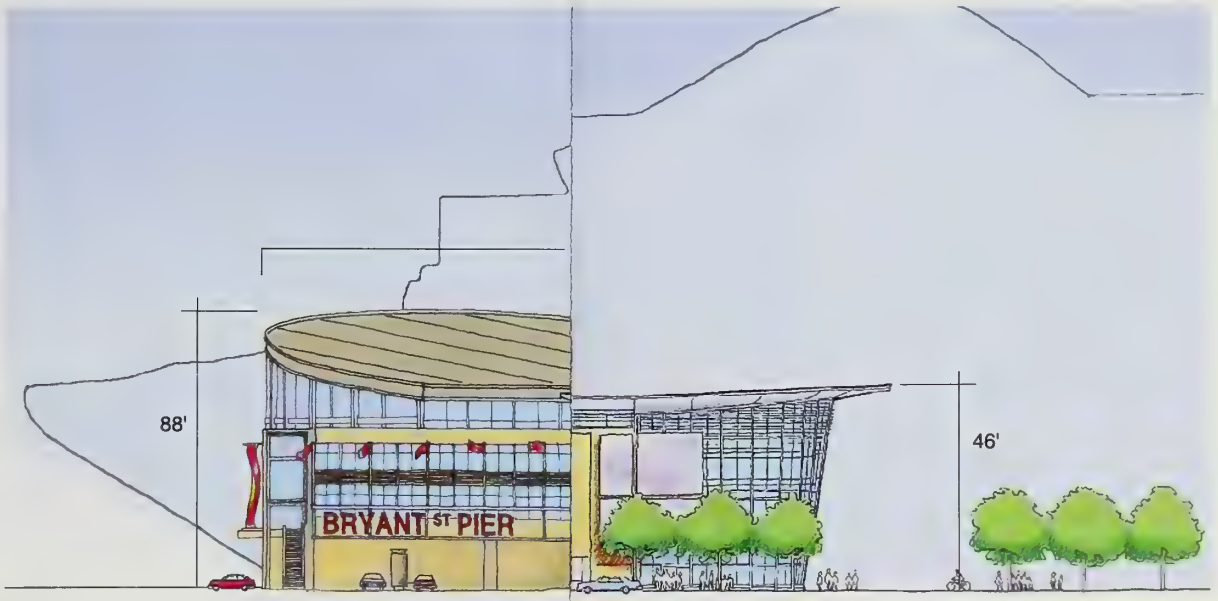
**Figure 7**

Cruise Terminal Project

Piers 30-32 - North and South Elevations




East Elevation




West Elevation

SOURCE: Skidmore, Owings + Merrill; Jerde Partnership

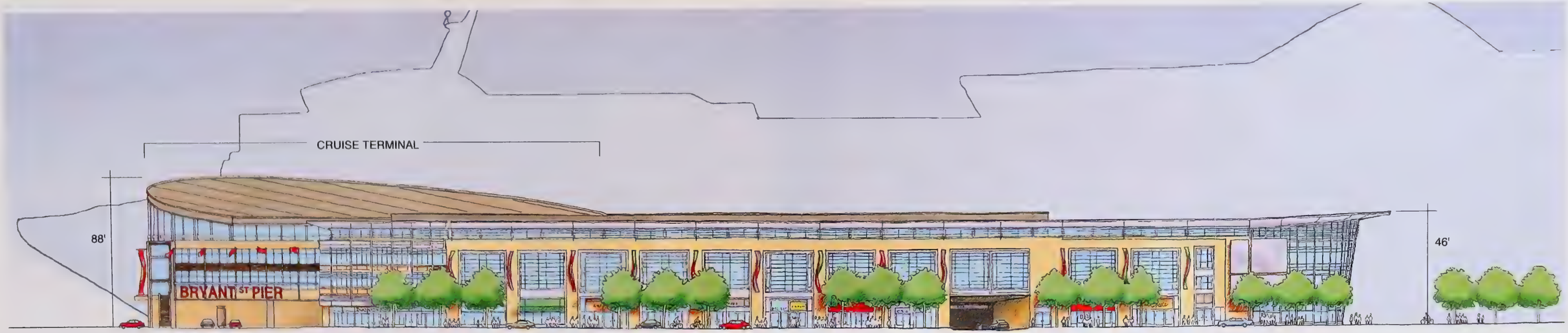
*SF Cruise Terminal Mixed-Use Project and Brannan Street Wharf Project* ■

**Figure 8**

Cruise Terminal Project

Piers 30-32 - East and West Elevations

East Elevation




West Elevation

SOURCE: Skidmore, Owings + Merrill; Jerde Partnership



**Figure 8**
Cruise Terminal Project
Piers 30-32 - East and West Elevations

Looking Northeast From Brannan Street Wharf

SOURCE: SOM/JPI Architects



**Figure 9**
Cruise Terminal Project
Piers 30-32 - Perspective Rendering

The terminal would be located at the northeastern corner of the pier and would be primarily 46 feet tall. The unoccupied architectural element of the terminal roof would reach a height of 88 feet, as is allowable under Planning Code Section 260. Passengers and visitors to the terminal would enter on the first level via an atrium on the building's southern side, then take escalators to the second level for ticketing and boarding. The terminal's ground level would be devoted primarily to terminal operations and ship servicing, while the second level would function as the primary public space and would offer expansive views of the bay through floor-to-ceiling north and east facing windows (see Figures 3 and 4).

- Retail/Entertainment: The project would provide a total of 220,000 gsf of retail/entertainment space situated throughout the pier. As currently envisioned, the project would include neighborhood-serving retail, including an approximately 16,000 gsf grocery store, a 15,000 gsf bookstore, a 10,000 gsf home furnishings store, and other smaller spaces along The Embarcadero frontage; multiple restaurants situated along the proposed lagoon (south side of pier); a six-screen cinema at the southeastern corner of the pier; and a variety of other yet-to-be-identified retail entertainment venues along either side of the project's pedestrian walkways (see Figure 3).

- Commercial Office: A total of 370,000 gsf (325,000 net square feet) of office space for maritime and other private business would be provided on the second and third levels of the seven buildings on the pier, including space developed in conjunction with and as part of the terminal building. The buildings are two and three stories in height, and the size and configuration of each of the floor plates would vary, but would range from approximately 11,000 gsf to 40,000 gsf (see Figures 5 and 6).

- Parking and Circulation: The primary vehicular entry/exit point for the pier would be from The Embarcadero at its intersection with Bryant Street. This entry/exit would connect with a four lane roadway that would run along the northern edge of the pier and turn south in front of the terminal, ending with a bus turnaround at the southern end of the terminal. The roadway would provide access directly to both the parking garage and the terminal. Secondary access to the pier would be from The Embarcadero between Bryant and Brannan Streets and would lead directly into the project's parking garage. The secondary entry/exit would serve only northbound traffic on The Embarcadero. Located directly in front of the terminal would be diagonal parking spaces for nine tour buses. In front of the terminal, the roadway would have a median along which additional buses could wait and passengers could be picked up or dropped off by taxis and private vehicles.

  The central portion of this component of the proposed project would be constructed over a one-level, 450-space parking garage (see Figure 4) that would be approximately four feet lower than the existing level of the pier deck. The garage would be served by two entry/exit ramps. The pier would include 19 handicap parking spaces, parking for 23 bicycles, and shower and locker facilities. A total of nine truck loading spaces would be provided along the eastern side of the grocery store building and near the southern end of the terminal.

- Open Space/Public Access Amenities: The open space program for the pier would include a variety of components, including plazas, terraces, aprons, and a lagoon. The two rectangular paved plazas would be situated amidst the retail/office buildings on the site and would connect to the internal pedestrian walkways. Two large landscaped terraces, each approximately 20,000 sq. ft., would be located on the second level, one to the south of the terminal near the eastern edge of the pier and one to the west of the terminal near the northern edge of the pier. Providing perimeter access to the entire pier would be 50-foot wide berthing aprons that would surround and extend beyond the terminal. The aprons would generally be open to the public, but would be closed for safety purposes when ships are in port. A large lagoon would be created on the southern side of the

existing pier by removing a semicircular portion of the pier. A 30-foot wide apron/walkway would surround the lagoon. This portion of the project would also have four berths for ferry/excursion vessels and berths for recreational boats.

- Red's Java House: The existing 1,500 sq. ft. Red's Java House restaurant would remain in its current location.

- Pier Seismic and Structural Upgrade: Where required, the existing concrete piles would be repaired, which would involve the removal of marine growth and loose materials, installation of new reinforcing steel around the exterior of the pile, securing formwork around the pile, and then pumping of a cement-based grout (from a machine on the pier deck) into the formwork. The work would be performed in the water by divers.

  Pieces of the pier deck would be removed to create the lagoon, allow for the installation of new piles, and to create the parking garage. Piles requiring demolition would be removed by a barge-mounted crane. Removed deck and pile material would be transported by truck for offsite recycling. New steel piles would be installed to provide seismic restraint for the pier, while new concrete piles would be driven for the pier extension. New piles would be driven from either land-based pile-driving rigs mounted on the existing pier deck or from barge-mounted piling rigs. A new concrete deck would be installed atop the existing deck and on a timber and steel formwork for the pier expansion. No net increase in the water area covered by pile-supported structures would occur.

### Seawall Lot 330 - Residential Program

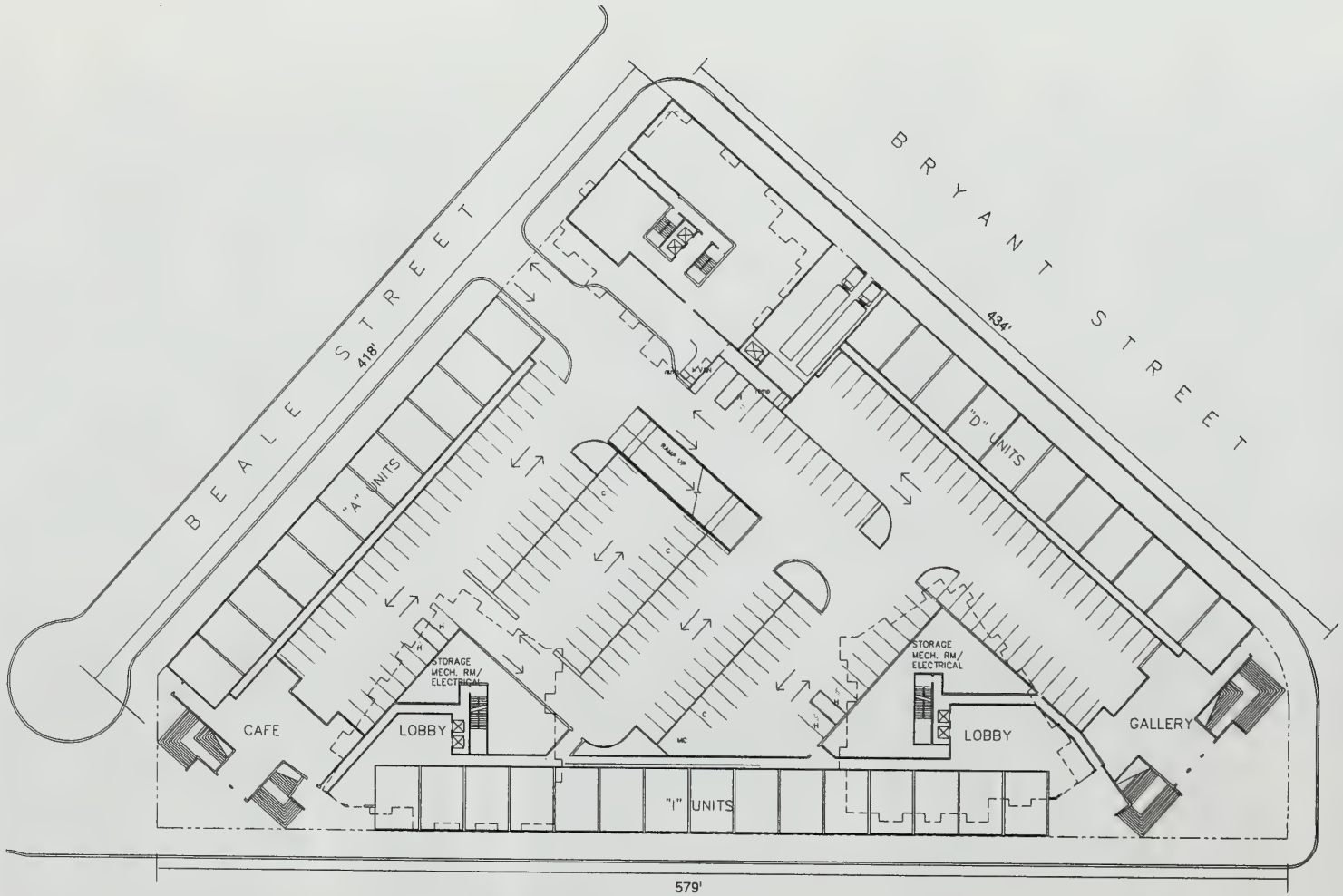
The project sponsor proposes construction of a residential condominium complex with a total of 350 units on the site that is currently a paved public parking lot. The proposed project would include construction of eight buildings, most of which would sit atop a two-level parking garage (see Figures 10 through 16 for floor plans, elevations, and a site plan). The complex would have a shared leasing office, parking garage, and tenant amenities. The project architects for the seawall lot buildings are Moore, Ruble, Yudell and Fisher Friedman Associates. The elements of this component are as follows:

- Street Level Units:

  – *Beale Street Frontage*: Construction of a five-story, 60-foot tall structure that would consist of five levels of residential units. The lower units would be accessed from Beale Street, while the upper units would be accessed from the site's open space on the third/podium level.

  – *Bryant Street Frontage*: Construction of a six-story, nearly 70-foot tall structure that would consist of six levels of residential units. The lower units would be accessed from Bryant Street, while the upper units would be accessed from the site's open space on the third/podium level.

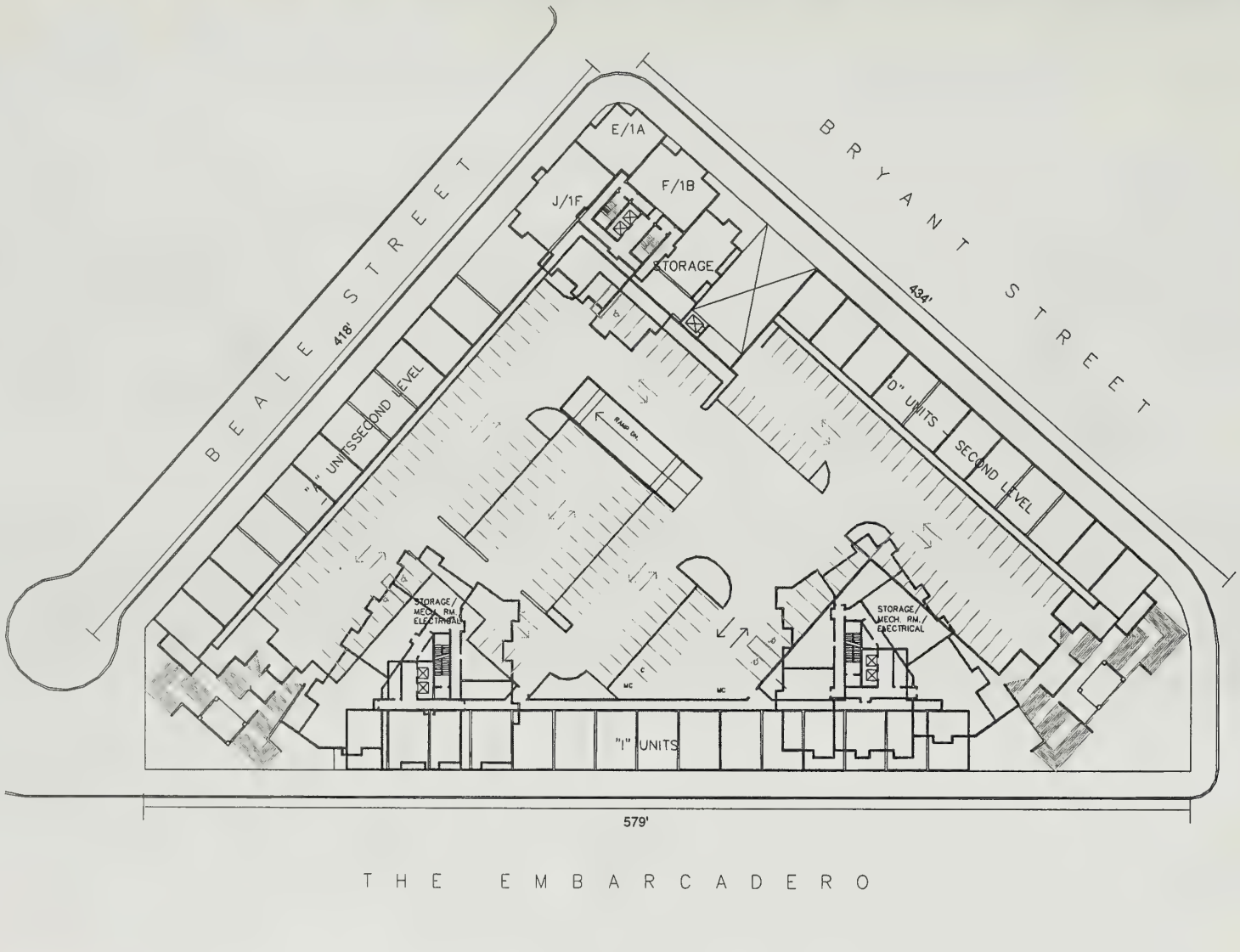
  – *The Embarcadero Frontage*: Construction of a two-story 25-foot tall structure that would consist of one level of two-floor units. The units would be accessed from The Embarcadero.




SOURCE: Moore Ruble Yudell Architects; Fisher Friedman Associates

*SF Cruise Terminal Mixed-Use Project and Brannan Street Wharf Project* ■

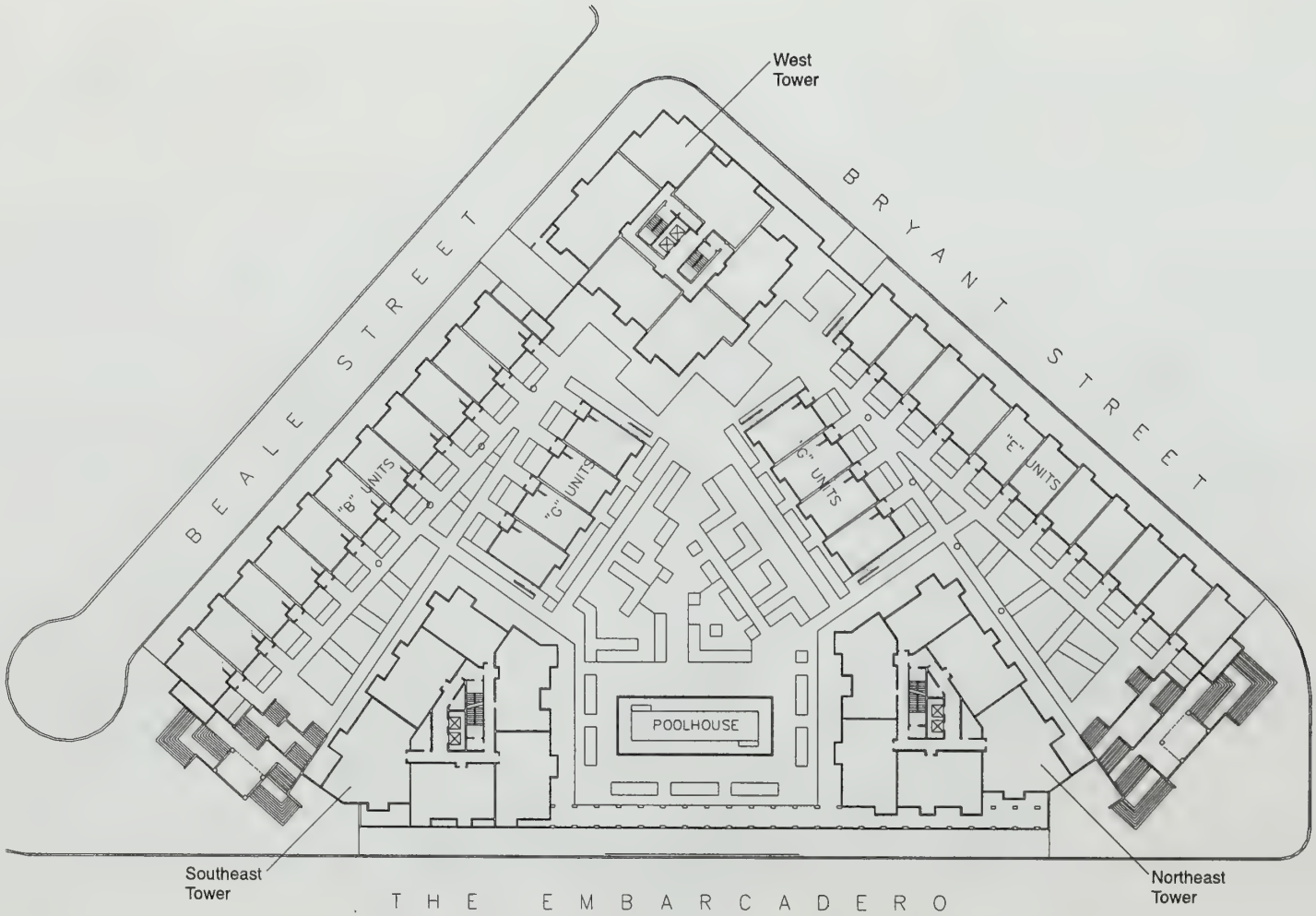
**Figure 10**
Cruise Terminal Project
Seawall Lot - Level One Plan




SOURCE: Moore Ruble Yudell Architects; Fisher Friedman Associates

*SF Cruise Terminal Mixed-Use Project and Brannan Street Wharf Project* ■

**Figure 11**
Cruise Terminal Project
Seawall Lot - Level Two Plan




SOURCE: Moore Ruble Yudell Architects; Fisher Friedman Associates



**Figure 12**
Cruise Terminal Project
Seawall Lot - Level Three Plan

SOURCE: Moore Ruble Yudell Architects; Fisher Friedman Associates



**Figure 13**
Cruise Terminal Project
Seawall Lot - The Embarcadero Elevation

SOURCE: MRY/FFA Architects

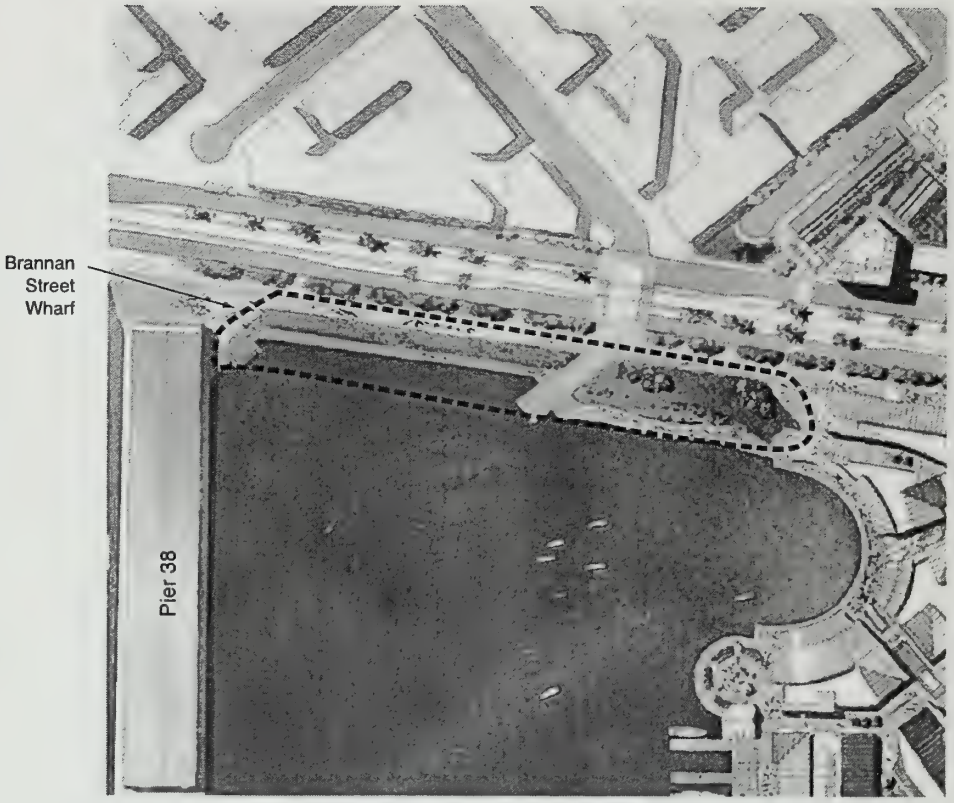


**Figure 14**
Cruise Terminal Project
Seawall Lot - Beale Street Elevation

SOURCE: Moore Ruble Yudell Architects; Fisher Friedman Associates



**Figure 15**
Cruise Terminal Project
Seawall Lot - Bryant Street Elevation




Site Plan

Perspective Rendering of Wharf Project with Cruise Terminal Project

SOURCE: SOM

*SF Cruise Terminal Mixed-Use Project and Brannan Street Wharf Project* ■

**Figure 16**
Brannan Street Wharf
Project Site Plan

- Tower Units:
  - *West Tower*: Construction of a 17-story, 187-foot tall residential structure with 17 six-unit levels. The ground floor would include a leasing office and concierge service. This structure would be constructed at grade, rather than atop the garage, and would be located at the intersection of Beale and Bryant Streets.
  - *Southeast Corner Tower*: Construction of an 11-story, 105-foot tall residential structure with nine six-unit levels. This structure would be constructed atop the garage podium, thus its first level would be on level three of the project. This tower would be situated along The Embarcadero near Beale Street.
  - *Northeast Corner Tower*: Construction of a 13-story, 130-foot tall residential structure with 11 six-unit levels. This structure would be constructed atop the garage podium, thus its first level would be on level three of the project. This tower would be situated along The Embarcadero near Bryant Street.
- Podium Units: Construction of two three-story, 30-foot tall buildings near the center of the site atop the garage podium. Each building would have one one-floor level and one two-floor level. Each floor would have four units.
- Parking and Circulation: Vehicular access to the site would be exclusively from Beale Street. Vehicles would enter directly into the lower level of the two-level, 350-space parking garage. The garage would provide 14 handicap parking spaces and would accommodate parking for 18 bicycle spaces. Access from the garage to two podium-level lobbies would be through elevator/stair cores located along the eastern edge of the site near The Embarcadero. Two full-size truck loading docks would be located along and accessed from Bryant Street.
- Open Space: Common open space for use by residents of the project would be situated on the podium level and would include a swimming pool and a variety of hardscape and green spaces. The corners of the site at The Embarcadero/Beale Street and The Embarcadero/Bryant Street would also be developed as open areas.

### *BRANNAN STREET WHARF PROJECT*

The Wharf project would involve removal of Pier 36 (91,845 sq. ft.), located immediately to the south of Pier 30-32; removal of approximately 10,000 sq. ft. of marginal wharf (between the southern edges of Pier 30-32 and Pier 38); and repair of approximately 15,000 sq. ft. of marginal wharf to create a new public open space to be known as the Brannan Street Wharf. The new open space would be 600 feet long (parallel to The Embarcadero) and 95 feet wide, and would require construction of 45,000 sq. ft. of new pile-supported wharf area. As called for in the BCDC's *San Francisco Waterfront Special Area Plan* (July, 2000) and the Port's Waterfront Plan (as amended July, 2000), the new waterfront park would be at least 57,000 sq. ft. and would extend at least 600 feet along The Embarcadero, bayward of and not including Herb Caen Way. The park would potentially be expanded up to 1,000 feet in length to include the marginal wharf areas to the north and south (between Piers 30-32 and 36, and between Piers 36 and 38). If the park is not expanded to include those marginal wharf areas, the wharves would be removed to create open water.

According to the project sponsor, the park would be intended as a major public open space that would reflect the character and needs of the adjacent South Beach neighborhood and provide access to the waterfront for residents and visitors to the area, establish a unique activity center, provide a respite from adjacent intensively developed areas, accommodate a variety of passive recreational activities, and serve as both a local and regional destination. In contrast to the Cruise Terminal project, which would be constructed by San Francisco Cruise Terminal LLC under a development agreement with the Port of San Francisco, this project would be implemented by the Port on a separate timeline as a separate project.

An urban design team led by Sasaki and Associates has been hired by the Port to prepare the conceptual design for the Brannan Street Wharf. Although a conceptual design has been prepared and is depicted herein, the precise layout and design would be developed through a community design process. (It should be noted that typical design changes would not be expected to affect this SEIR's assessment of the project's potential physical impacts on the environment.) The park's design would accommodate viewing and seating, and could include fountains, interpretive signs, a small amphitheater, areas for activities such as chess and checkers, fish cleaning facilities, public art, and appropriate site furnishings. Other possible park uses would be informal small playfields for volleyball, a children's play area, or picnic areas. Temporary (commonly referred to as "transient") boat tie-ups, a landing and launch area for kayaks, and other related water-oriented recreation facilities may also be provided.

## CONSTRUCTION TIMETABLE AND COST

### *CRUISE TERMINAL PROJECT*

Construction of the residential component of the project on Seawall Lot 330 would take about 19 months for complete build-out, with occupancy planned for July, 2004. The proposed mixed-use/cruise terminal component of the project on Pier 30-32 would take approximately 25 months to build, with occupancy planned for July, 2004. Construction cost, including renovation of the pier, is estimated at $263 million.

### *WHARF PROJECT*

Construction of the Brannan Street Wharf is planned to be completed no later than 2009, including removal of Pier 36. Pier 34 was removed in mid-2001. According to the requirements of Assembly Bill (AB) 1389,[3] the Port must complete Phase I of the park (in the area of former Pier 34 and to the north) contemporaneously with the construction of the Cruise Terminal project and must remove Pier 36 and complete the remainder of the Wharf project within five years of the start of construction of the Cruise Terminal project. The project would likely be funded primarily by the Port from its capital accounts, but could also make use of grant funds from State agencies such as the California Coastal Conservancy. The precise construction cost for this project has yet to be determined.

[3] California AB 1389, as amended in the State Senate September 14, 2001, is described below in Section III.A, Land Use, Plans and Policies.

# APPROVALS REQUIRED

## *CRUISE TERMINAL PROJECT*

### City Planning Commission/Planning Department

- Certification of the Final Supplemental Environmental Impact Report.
- Adoption of CEQA Findings and Mitigation Monitoring Program.
- Recommendation to the Board of Supervisors for approval of Zoning Map amendment for new Height and Bulk classifications for the seawall lot and pier site and conforming amendments to the Northeastern Waterfront Area Plan of the General Plan to allow for an exceedance of the height limits.
- Determination of consistency with Planning Code Section 101.1, Priority Planning Policies.
- Approval of off-street parking exemption under Section 161(f) for provision of less than Planning Code-required parking at Pier 30-32.
- Approval of exception to bulk limits for the seawall lot, pursuant to Planning Code Section 271.
- Approval of a height reclassification for the seawall lot to a 200-foot height limit.
- Approval of a Height and Bulk reclassification to 50-X for the pier.
- Conditional use authorization for the proposed residential use, per Planning Code Sections 215, 216, and 240.3.
- General Plan consistency determination for subdivision map for seawall lot condominiums.

### Port of San Francisco

- Approval of design by Waterfront Design Advisory Committee, pursuant to Planing Code Section 240.
- Adoption of CEQA Findings and Mitigation Monitoring Program.
- Adoption of Findings Regarding Consistency of Project with Public Trust and Burton Act.
- Approval of exchange of trust restrictions from seawall lot to another site.
- Approval of Lease Disposition and Development Agreement (LDDA) and Master Lease, and approval of schematic design.
- Approval of sale of Seawall Lot 330.
- Issuance of demolition and building permits.

### San Francisco Board of Supervisors

- Adoption of CEQA Findings and Mitigation Monitoring Program.
- Adoption of Findings Regarding Consistency of the seawall lot residential component with Planning Code Section 101.1 Priority Planning Policies.

- Adoption of Zoning Map amendment for new Height and Bulk classifications for the seawall lot and pier and General Plan amendments (Northeastern Waterfront Plan).
- Review and approval of Master Lease.
- Approval of Final Subdivision Map for seawall lot condominiums.
- Approval of sale of Seawall Lot 330.

### San Francisco Department of Public Works

- Review and approval of subdivision map for seawall lot condominiums.

### San Francisco Bay Conservation and Development Commission

- Major Permit Approval for the development of Pier 30-32.
- Minor amendments to the Port of San Francisco existing and subsequent maintenance dredging permits.

### San Francisco Department of Public Health

- Approval of Site Mitigation Plan for Seawall Lot 330 in accordance with Article 22A of the San Francisco Health Code (Maher Ordinance).

### State Lands Commission

- Confirmation of exchange of trust restrictions from seawall lot to another site to allow for residential development on the seawall lot.

### Regional Water Quality Control Board

- Water quality certification under Section 401 of the Clean Water Act.
- Approval of soil remediation plan, if necessary.

### U.S. Army Corps of Engineers

- Authorization for construction at Pier 30-32 pursuant to Section 10 of the Rivers and Harbors Act.
- Minor amendments to the Port of San Francisco existing and subsequent maintenance dredging permits.

### U.S. Customs/Immigration and Naturalization Service/U.S. Department of Agriculture

- Consultation with Customs/INS/USDA.
- Approval of cruise terminal design and security services.

### *BRANNAN STREET WHARF*

### City Planning Commission/Planning Department

- Certification of the Final Supplemental Environmental Impact Report.

- Adoption of CEQA Findings and Mitigation Monitoring Program.

**Port of San Francisco**

- Approval of design by Waterfront Design Advisory Committee.
- Adoption of CEQA Findings and Mitigation Monitoring Program.
- Approval of expenditure of capital funds, development agreement, and lease.
- Approval of application for grant funds.
- Issuance of demolition and building permits.
- Approval of an agreement with BCDC that provides for funding, design, and construction of the project.

**San Francisco Board of Supervisors**

- Adoption of CEQA Findings and Mitigation Monitoring Program.
- Approval of expenditure of capital funds.
- Approval of application for grant funds.

**San Francisco Bay Conservation and Development Commission**

- Approval of Major Permit for pier removal and wharf construction.

**Regional Water Quality Control Board**

- Approval of pile removal and pile driving.

**U.S. Army Corps of Engineers**

- Authorization for construction under Section 10 of the Rivers and Harbors Act of 1899.

*GENERAL*

Environmental plans and policies, like the Bay Area *'97 Clean Air Plan*, directly address physical environmental issues and/or contain standards or targets that must be met in order to preserve or improve specific components of the City's physical environment. The proposed projects would not obviously or substantially conflict with any such adopted environmental plan or policy.

This SEIR will undergo a public comment period as noted on the cover, including a public hearing before the Planning Commission on the Draft SEIR. Following the public comment period, responses to written and oral comments will be prepared and published in a Draft Summary of Comments and Responses document. The Draft SEIR will be revised as appropriate and, with the Draft Summary of Comments and Responses, presented to the Planning Commission for certification as to accuracy, objectivity, and completeness. No approvals or permits may be issued before the Final SEIR is certified.

# CHAPTER III
## ENVIRONMENTAL SETTING AND IMPACTS

## A. LAND USE, PLANS, AND POLICIES

### SETTING

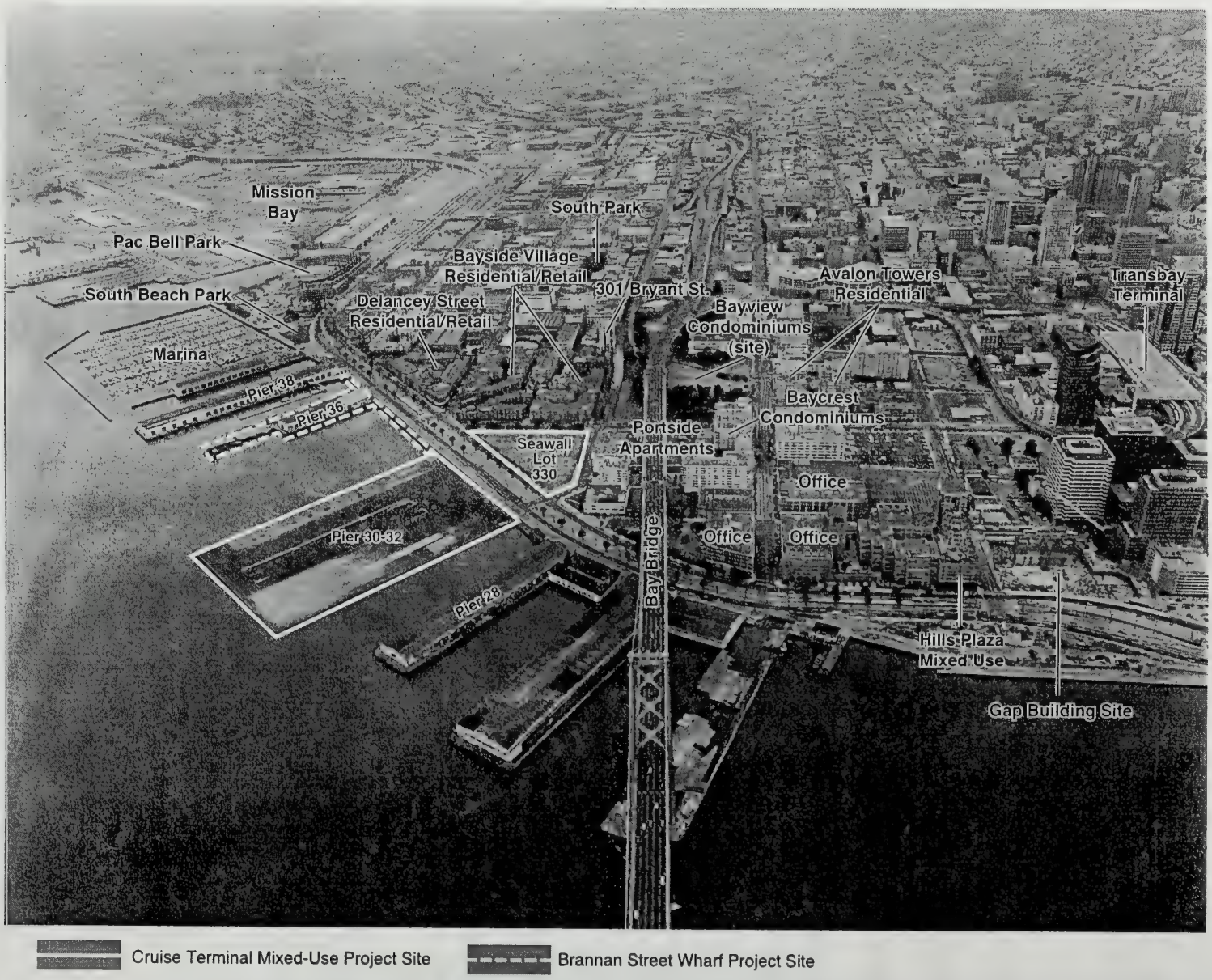
#### *EXISTING LAND USES*

**Project Vicinity**

The Cruise Terminal and Brannan Street Wharf project sites are situated just south of the Bay Bridge along the waterfront in the northeastern part of San Francisco, on the eastern edge of the South of Market (SOMA) district. The adjacent South Beach neighborhood, which has undergone dramatic development in the past few years, is composed primarily of large-lot, multi-story residential and office buildings. Multi-family residential complexes, including Bayside Village and Portside Condominiums, are located across Beale and Bryant Streets from the site, respectively. The ground-floor Brannan Street frontage of Bayside Village is occupied by retail and restaurant uses. One block south of the site is the Delancey Street project, a subsidized residential development that includes retail and restaurant uses. The South Beach Marina Apartments, located at Townsend Street and The Embarcadero, are comprised of two 13-story towers and two low-rise (3- and 4-story) structures, with 414 residential apartments and ground-floor retail and restaurant uses. See Figure 17 for an aerial photo depicting land uses in the project vicinity.

Brannan Square, a mixed-use project currently under construction, is located at Brannan and Delancey Streets in the nearby South End Historic District and the Rincon Point-South Beach Redevelopment Area. When complete, Brannan Square will contain 242 residential units, 9 live/work units, 130,000 sq. ft. of multi-media space, and 5,000 sq. ft. of neighborhood-serving retail space. Other high-density residential uses have recently been completed in the vicinity, such as One Embarcadero South at 88 King Street, a residential development consisting of 13- and 14-story towers (140 feet tall) containing 233 dwelling units, and The Brannan, consisting of three towers (195 feet tall) and 130 units. Avalon Towers, located at Beale near Harrison Street in the Rincon Hill Mixed Use District, is a twin-tower residential high-rise (230 feet tall) consisting of 227 dwelling units.

Hills Plaza and Rincon Center, both large mixed-use developments, are located one to two blocks away to the north of the Bay Bridge. To the north of Pier 30-32 are Piers 28 and 26. Both piers are occupied by shed buildings; Pier 28 is primarily used for commercial fish processing and other industrial uses, while




SOURCE: Moore Ruble Yudell Architects; Fisher Friedman Associates

*SF Cruise Terminal Mixed-Use Project and Brannan Street Wharf Project* ■

**Figure 17**
Project Vicinity Land Uses

Pier 26 is used primarily for fishing and marine storage, other storage, maritime support, and parking. Pacific Bell Park is located four blocks to the south of Pier 30-32 along The Embarcadero. The closest public open spaces to the project site are South Beach Park, a small green open space located where King Street transitions into The Embarcadero, and South Park, an oval green space located three blocks to the west between Second and Third Streets and Brannan and Bryant Streets. A new public open space to be named Rincon Park is planned for construction along the waterfront on the eastern side of The Embarcadero between Howard and Harrison Streets, one block north of the Bay Bridge.

### Project Sites

Pier 30-32, which is constructed on pilings over the water, is largely vacant except for the 1,500 sq. ft. freestanding Red's Java House restaurant located in the northwestern corner of the pier along The Embarcadero. The vast majority of the pier is currently used for bus, truck, and auto parking, lay berthing, outdoor storage, and temporary special events. Seawall Lot 330 is paved and without structures, and is currently used for public parking, accommodating approximately 500 vehicles.

Located to the south of Pier 30-32 is Pier 36, which would be removed as part of the Brannan Street Wharf project. Pier 36 is partially occupied by a shed building that is used for storage and bus parking. Pier 34, previously located between Pier 30-32 and Pier 38, was removed in mid-2001.

## *PLANS AND POLICIES*

### San Francisco General Plan

The *San Francisco General Plan* (General Plan), Zoning Map, and San Francisco Planning Code (Planning Code) provisions govern all of San Francisco. The General Plan contains ten elements (Commerce and Industry, Recreation and Open Space, Residence, Community Facilities, Urban Design, Environmental Protection, Transportation, Air Quality, Community Safety and Arts), which contain goals, policies, and objectives for the physical development of the City. In addition, the General Plan includes area plans containing objectives and policies for specific geographic areas. The Cruise Terminal and Brannan Street Wharf project sites are located within the Northeastern Waterfront planning area that extends from Aquatic Park/Van Ness to China Basin/Mission Creek.

#### *Northeastern Waterfront Plan*

The *Northeastern Waterfront Plan*, an area plan of the General Plan, guides growth and development along San Francisco's northeastern waterfront, an irregularly shaped area that includes four subareas: Fisherman's Wharf, Base of Telegraph Hill, Ferry Building, and South Beach. The project sites are within the *Northeastern Waterfront Plan's* South Beach subarea. Map 3 of the Plan indicates that Pier 30-32 and the Brannan Street Wharf site are located within the 40-X Height and Bulk District and the seawall lot is located within the 105-F Height and Bulk District, as established by the Planning Code. The *Northeastern Waterfront Plan* recommends objectives and policies designated to, "contribute to the waterfront's environmental quality, enhance the economic vitality of the Port and the City, preserve the

unique maritime character, and provide for the maximum feasible visible and physical access to and along the Bay." Specific objectives and policies of the *Northeastern Waterfront Plan* (as revised and amended in 1997, per Planning Commission Resolution No. 14467, and in 1997, by the Board of Supervisors' Ordinance No. 26-98 in 1998) that are pertinent to the Cruise Terminal and Brannan Street Wharf projects are listed below. Unless otherwise indicated, the following objectives and policies are relevant to both the Cruise Terminal and Brannan Street Wharf projects:

Objective 1: to develop and maintain activities that will contribute significantly to the city's economic vitality and provide additional activities which strengthen the predominate uses in each subarea of the northern waterfront, while limiting their concentration to preserve the environmental quality of the area.

Objective 1, Policy 1.1: accommodate, where appropriate, additional activities, which will strengthen the predominant economic functions of each subarea of the Northeastern Waterfront. *(Cruise Terminal)*

Objective 1, Policy 1.2: consistent with other policies of this plan, encourage uses on Port property which return revenue to the Port to support and improve its facilities. *(Cruise Terminal)*

Objective 2: to diversify uses in the Northeastern Waterfront, to expand the period of use of each subarea and to promote maximum public use of the waterfront while enhancing its environmental quality.

Objective 2, Policy 2.1: develop uses which generate activity during a variety of time periods rather than concentrating activity during the same peak periods.

Objective 2, Policy 2.2: diversify activities to encourage the use of the Northeastern Waterfront by a broad spectrum of the population.

Objective 2, Policy 2.3: encourage land uses having different peak periods of activity within each subarea of the Northeastern Waterfront to contribute to the area's diversity, to expand the period of use, to decrease peak period traffic congestion, to facilitate efficient use of the transit system and to preserve and enhance the environmental quality of the waterfront.

Objective 2, Policy 2.4: promote the development of new maritime activities, public open space and public access improvements as part of major new development on piers.

Objective 3: to retain and enhance maritime activities, reserving as much of the Northeastern Waterfront as is realistically required for future maritime uses, and providing for efficient operation of port activities.

Objective 3, Policy 3.1: give priority to maritime activities recognizing that the waterfront available for such activities is a limited resource and that maritime activities are vital to the City's economy. Based on a realistic assessment of the maritime needs of the Port, reserve the necessary waterfront area by prohibiting activities which would preclude possible future maritime development.

Objective 3, Policy 3.2: maintain adequate transportation access to, and the efficient movement of goods between, port piers and the local regional transportation system.

Objective 5: develop limited additional office and commercial retail space in order to serve the city's economic needs and to encourage a mixture of uses and activities along the Northeastern Waterfront. *(Cruise Terminal)*

Objective 5, Policy 5.5: encourage Bay-oriented commercial recreation and public assembly uses on piers, which include public access and complementary maritime activities (e.g., cruises, excursions, ferries, historic ships), and maritime support services.

Objective 6: to develop and maintain residential uses along the Northeastern Waterfront in order to assist in satisfying the city's housing needs and capitalize on the area's potential as a desirable living environment. *(Cruise Terminal)*

Objective 6, Policy 6.2: encourage the development of additional housing wherever feasible (except on new or replacement fill). *(Cruise Terminal)*

Objective 7, Policy 7.1: develop recreation facilities attractive to residents of all ages and income groups.

Objective 7, Policy 7.4: encourage and provide open space and public recreation facilities as part of any development, to provide facilities for people residing and working in the Northeastern Waterfront and in adjoining neighborhoods.

Objective 7, Policy 7.9: provide as much as public open space and peripheral access is feasible in areas of maritime activity without interfering with the operation of this activity.

Objective 8, Policy 8.3: allow parking over the water for public and commercial recreation uses only if (a) no alternative location is feasible; (b) the parking is located within a structure devoted to a permitted use and is necessary to such use or to other permitted uses in the same project area; and (c) it is the minimum amount necessary. *(Cruise Terminal)*

Objective 10: to develop the full potential of the Northeastern Waterfront in accord with the usual opportunities presented by its relation to the Bay, to the operating Port, fishing industry and Downtown; and to enhance its unique aesthetic qualities offered by water, topography, views of the City and the Bay, and its historic maritime character.

Objective 10, Policy 10.1: preserve the physical form of the waterfront and reinforce San Francisco's distinctive hill form by maintaining low structures near the water, with an increase in vertical development near hills of the downtown core area. Larger buildings and structures with civic importance may be appropriate at important locations.

Objective 10, Policy 10.2: preserve and create view corridors which can link the City and the Bay.

Objective 10, Policy 10.11: Maintain and enhance existing grade level view corridors to the Bay particularly from Kearny, Broadway, Howard, Folsom, and Beale Streets and to the bulkhead buildings, significant architectural features, or waterfront views from Bay Front, Green, Vallejo, Market, Mission, Harrison, Steuart, Bryant, Brannan, and Townsend Streets. Create new view corridors at Pacific and Greenwich Street.

Objective 10, Policy 10.13: remove surface parking from over water, and along the Embarcadero roadway to improve shoreline appearance and access to the Bay.

Objective 10, Policy 10.26: Restrict development south of Broadway to the Height and Bulk Districts shown on Map 2.

Objective 10, Policy 10.27: locate buildings to minimize shadows and wind on public open spaces. *(Cruise Terminal)*

Objective 10, Policy 10.34: assure that new buildings use the most cost-effective energy efficient measures feasible. *(Cruise Terminal)*

Objective 16: to retain existing cargo shipping and related services and to promote commercial and recreational maritime activities.

Objective 16, Policy 16.2: promote commercial and recreational maritime activities (e.g., cruise terminal, excursion boats, historic ships, recreational boat mooring) which may be complemented with water-oriented commercial recreation and public assembly uses and public access improvements on piers no longer needed or suitable for cargo shipping facilities.

Objective 16, Policy 16.3: improve existing Pier 35 cruise facilities. If feasible, renovate the facility to provide a modern, functional passenger terminal with associated commercial recreation and public assembly uses. If Pier 35 is determined to be an infeasible location, allow the development of a new cruise terminal on another pier in the Northeastern Waterfront. *(Cruise Terminal)*

Objective 18, Policy 18.3: encourage moderate development of uses such as shops, restaurants, entertainment and hotels which activate the waterfront during evenings and weekends, but to a lesser overall intensity and concentration present in the adjacent downtown and Fisherman's Wharf areas. *(Cruise Terminal)*

Objective 23: to allow commercial and recreational maritime uses, public access improvements and non-maritime commercial recreation development on piers and along seawalls to generate waterfront activity, to provide visual and access improvements and to produce revenue for the Port.

Objective 27: to enhance the economic vitality of the area and capitalize on its unique location and environmental attributes for commercial and recreational maritime activities, maritime support uses, commercial and recreational uses, and residential development and neighborhood services.

Objective 29: to promote a continuous system of open spaces throughout the subarea by creating public access improvements as part of major new pierside developments, which connect with and expand upon the network of landscaped areas and public parks already developed or underway.

Objective 30: to maintain high standards in the design of new development which give rise to a new architectural identity for the shoreline, and which complements inland development. *(Cruise Terminal)*

Objective 30, Policy 30.5: promote new development on Pier 30-32 which provides commercial recreation and public assembly activities, and maritime operations such as an excursion boat or cruise terminal. New development should provide a multi-faceted mix of activities oriented around a common theme rather than a singular commercial attraction. Allow necessary parking on the pier to serve these activities. *(Cruise Terminal)*

Objective 30, Policy 30.8: require a high standard of architectural design appropriate to the prominence of the site, which also establishes a new architectural identity and standard for waterside development in the South Beach area. *(Cruise Terminal)*

Objective 30, Policy 30.9: develop uses which support and enhance the mix of maritime and commercial recreation uses developed on Pier 30-32, as well as provide a transition between residential uses on inland blocks and public-oriented activities on the waterfront. Block 3771 would be a desirable location for a mixed commercial and residential development or a hotel, depending on the combination of uses developed on Pier 30-32. Incorporate off-street parking into the development program for Block 3771 to serve significant amount of the parking demand associated with the Pier 30-32 development, if necessary. *(Cruise Terminal)*

Objective 30, Policy 30.18: Develop housing in small clusters of 100 to 200 units. Provide a range of building heights with no more than 40 feet in height along the Embarcadero and stepping up in height on the more inland portions to the maximum of 160 feet. In buildings fronting on Brannan Street in the 160 foot height area, create a strong base which maintains the street wall created by the residential complex to the east and the warehouse buildings to the west. Orient the mix of unit types to one and two bedrooms and include some three and four bedroom units. Pursue as the income and tenure goals, a mix of 20 percent low, 30 percent moderate and 50 percent middle and upper income, and a mix of rental, cooperative, and condominium units.

Objective 30, Policy 30.19: organize the housing clusters to maximize views to the water and downtown as well as sun exposure while minimizing shading of open space and blocking views from adjacent areas. To the extent feasible, locate family units on ground floor levels adjacent to open space and recreational areas. Provide personalized entryways and private open space to all units. Orient the buildings to provide privacy and security. *(Cruise Terminal)*

Objective 30, Policy 30.20: design the structures and dwelling units to express character and diversity. Incorporate high standards of indoor and outdoor private space design and convenience

and use high quality materials. Express a human scale in surfaces and materials with articulated facades, bay windows, cornice lines, roofscapes, overhangs, towers and chimneys. Use varied light colors to break up building mass and liven surfaces. Design the housing complex to be energy efficient, and consider the use of passive solar systems. *(Cruise Terminal)*

Objective 30, Policy 30.21: incorporate most parking as part of the building within housing clusters. Because garages may be only a half level below grade due to the high water table, landscape or buffer exposed garage edges. Locate residences above parking structures to stabilize them and minimize differential settlement. To the extent feasible, improve the portions of the garage roof not covered by structures for walkways and recreation areas. Use tree wells to allow large trees to grow within residential clusters. Design parking structures to have controlled vehicular access points and direct access to residential units for increased security. Provide additional guest and service parking for the residential units in street right-of-way or adjacent to the clusters. *(Cruise Terminal)*

Objective 30, Policy 30.23: Design structures to protect views of the water down street corridors from the residential areas. Carefully consider roof design and conceal roof equipment because of its visibility from adjacent residences. Landscape flat roofs and finish sloped roofs in attractive materials. Allow exposed parking only if the parking areas are extensively landscaped. Consider the use of turf block instead of asphalt paving.

Conflict with a General Plan policy does not, in itself, indicate a significant effect on the environment within the meaning of CEQA. As stated in the CEQA Guidelines, "Effects analyzed under CEQA must be related to a physical change" (Sec. 15358(b)). To the extent that physical impacts may result from such conflicts, such physical impacts are analyzed in this SEIR. The General Plan contains many policies that may address different goals. Upon reviewing projects requiring its approval, the Planning Commission must decide whether, on balance, the project is consistent with the General Plan. In general, potential conflicts with the General Plan are considered by decision-makers independently of the environmental review process, as part of the decision to approve, modify or disapprove a proposed project. Any potential conflict not identified here could be considered in that context, and would not alter the physical environmental effects of the proposed projects.

### Waterfront Land Use Plan

Approved in June 1997 and amended in July and October, 2000, the *Waterfront Land Use Plan* (Waterfront Plan) is a land use policy document governing property under the jurisdiction of the Port of San Francisco, generally from Fisherman's Wharf to India Basin. The Waterfront Plan is intended to: (1) actively promote the continuation and expansion of industrial, commercial and recreational maritime activities; (2) support new and existing open space and public access; (3) recognize the structure of the Port for revenue-generating land uses to fund maritime activities, open space, and public activities along the waterfront; (4) adapt to fluctuating economic, social and political structures by identifying the range of acceptable uses for Port properties; (5) encourage efficient use of currently underutilized Port properties by allowing a range of interim uses; and (6) establish a framework for streamlining the entitlement process for new development. The Plan also calls for identification of City plans and policies

in need of reassessment and modification to implement the Waterfront Plan; the General Plan, Planning Code, and Zoning Map have been modified to ensure consistency with the Waterfront Plan.

The Waterfront Plan has seven goals: (1) to encourage the Port to function as a working Port for cargo, shipping, fishing, passenger cruise ships, ship repair, ferry and excursion boats, recreational boating and other water-dependent activities; (2) to stimulate new investment that will revitalize the waterfront,

create jobs, revenues, public amenities, and other benefits; (3) to promote diversity of activities and people, including maritime, commercial, entertainment, civic, open space, recreational and other waterfront activities for all to enjoy; (4) to provide access to and along the waterfront through a network of parks, plazas, walkways, open spaces, and integrated transportation improvements that would enhance enjoyment of the Bay environment; (5) to enhance the waterfront's historic character, while creating new opportunities for San Franciscans to integrate the waterfront into their everyday lives; (6) to ensure appropriate quality of urban design along the waterfront; and (7) to provide economic access to all people in San Francisco.

The Waterfront Plan and Bay Conservation Development Commission (BCDC) Special Area Plan require that the Port initiate the preparation of nomination materials for a Northern Waterfront Historic District from China Basin through Pier 35 to be listed on the National Register of Historic Places. The nomination must be submitted no later than June 30, 2002. The Port has retained an historic preservation consulting team to assist in the preparation of the nomination materials. The Port has identified components of Piers 28 and 38 as significant or potentially significant historic structures. The two Plans also establish requirements for removing designated piers and for developing public places within specified time frames, including the Brannan Street Wharf.

### *South Beach/China Basin Sub-Area*

The Cruise Terminal and Brannan Street Wharf project sites are located within the South Beach/China Basin subarea of the Waterfront Plan, which extends from Pier 22 ½ to the north to Mariposa Street to the south. The Waterfront Plan contains the following objectives for the South Beach/China Basin subarea:

- Provide activities on Piers 30-32 which attract residents of the City and region, and which will complement and leverage the visitor activity the ballpark brings to the waterfront, but also include businesses which cater to nearby residents and employees.
- Provide significant maritime and public access uses with a multi-faceted mix of commercial activities, all oriented around a common theme, rather than a singular commercial attraction.
- Encourage new activities that do not generate peak traffic volumes during commute periods, to minimize congestion on roadway and public transit systems.
- Require a high standard of architectural design which is appropriate to the prominence of the site and establishes a new architectural identity and standard for waterside development in the South Beach area.
- Incorporate expansive public access on the piers that builds upon and enhances the PortWalk through the South Beach area.
- Demolish Piers 34 and 36 to create a Brannan Street Wharf open space, integrated with the Embarcadero Promenade and the public access and shoreline improvements for new development on Piers 30-32 and 38.

- Apply "Good Neighbor" standards to bars and restaurants which sell alcohol, large fast food restaurants, and entertainment uses on Piers 30-32 and 34-36 and Seawall Lot 330, unless the Port Commission makes a specific finding that a particular condition is unnecessary or infeasible.

The Waterfront Plan specifies acceptable land uses by the location at which they may be developed along San Francisco's Waterfront, including new uses and existing uses that may continue long term, those that may be continued as an interim use, or those that may be permitted as an accessory use. Generally, a wide variety of maritime uses (e.g., cargo shipping, maritime office and support services, and ceremonial berthing), open space/recreation, and commercial, and other uses, including general institutional, are permitted on specified sites throughout the project area. Under the Waterfront Plan, both maritime and general office are acceptable uses on Pier 30-32 and both residential and hotel uses are acceptable on Seawall Lot 330. However, the Port Commission retains the authority to use Port sites for any maritime use.

Site-specific development standards are also provided in the Waterfront Plan (particularly in the Waterfront Design and Access Element) to guide improvements to opportunity areas, which encourage a mixture of maritime, open space and public access activities that bring day and nighttime activities to the waterfront. The Cruise Terminal and Brannan Street Wharf project sites are located in the Bryant Street Pier Mixed Use Opportunity Area, which includes Piers 30-32, 34 (recently removed), and 36 and Seawall Lot 330.

Relevant to the Cruise Terminal project, the Waterfront Plan identifies the 13-acre Pier 30-32 and three-acre seawall lot together as the Port's largest potential development site. Pier 30-32 is supported by concrete piles, but would require substantial refurbishment and upgrade to meet current seismic and structural code requirements for the project. The vast size of Pier 30-32 offers opportunities for providing entertainment and attractions with a highly visible maritime element. In addition, the Waterfront Plan indicates that Pier 30-32 should be a highlight on the PortWalk, which would extend the pedestrian path along The Embarcadero onto the pier. Because Pier 30-32 is both prominent and yet isolated from an architectural standpoint, new development on the pier is identified as a potential signature piece for the neighborhood that should set a standard for other architectural improvements along the shoreline.

The Waterfront Plan specifically identifies Pier 30-32 as a possible location for a modern cruise ship terminal, with ancillary and support services, such as neighborhood-serving businesses, that could be incorporated into new development on the seawall lot. This development would create new housing in the South Beach area. The proposed Cruise Terminal project includes development of a cruise ship terminal on Pier 30-32 and residential development on the seawall lot.

With regard to the Brannan Street Wharf project, the Waterfront Plan indicates that Piers 34 and 36 should be removed in order to create a major Brannan Street Wharf open space. This would provide a major park on the water opposite the South Beach neighborhood and take advantage of open water and broad Bay views along the Embarcadero Promenade. The open water would maximize the view potential

for new development and public access areas at Pier 38. Less than a quarter mile from Pac Bell Park and midway along South Beach's waterfront edge, the Brannan Street Wharf is expected to become a major focus for residents and for visitors to the ballpark and other new mixed-use projects in this area. The Brannan Street Wharf project would involve removal of Pier 36 and the creation of the Brannan Street Wharf park. Previously condemned, Pier 34 was removed in mid-2001.

### *Sustainability Plan for the City of San Francisco*

In 1993, the San Francisco Board of Supervisors established the Commission on San Francisco's Environment, charged with, among other things, drafting and implementing a plan for San Francisco's long-term environmental sustainability. The notion of sustainability is based on the United Nation's definition that "a sustainable society meets the needs of the present without sacrificing the ability of future generations and non-human forms of life to meet their own needs." The *Sustainability Plan for San Francisco* (Sustainability Plan) was a result of community collaboration with the intent of establishing sustainable development as a fundamental goal of municipal public policy (Department of the Environment, 1997).

The Sustainability Plan is divided into 15 topic areas, 10 that address specific environmental issues (Air Quality; Biodiversity; Energy, Climate Change and Ozone Depletion; Food and Agriculture; Hazardous Materials; Human Health; Parks, Open Spaces and Streetscapes; Solid Waste; Transportation; and Water and Wastewater), and five that are broader in scope and cover many issues (Economy and Economic Development; Environmental Justice; Municipal Expenditures; Public Information and Education; and Risk Management). Additionally, the Sustainability Plan contains indicators designed to create a base of objective information on local conditions and to illustrate trends toward or away from sustainability. Although the Sustainability Plan became official City policy in July 1997, the Board of Supervisors has not committed the City to perform all the actions sketched out in the plan. The Sustainability Plan serves as a blueprint, with many of its individual proposals requiring further development and public comment.

### San Francisco Bay Plan

The San Francisco BCDC is a state agency with permit authority over the Bay and its shoreline. Created by the McAteer-Petris Act in 1965, BCDC regulates filling, dredging, and changes in use in San Francisco Bay. BCDC also regulates new development within 100 feet of the shoreline to ensure that maximum feasible public access to and along the Bay is provided. The Commission is also charged with ensuring that the limited amount of shoreline property suitable for regional high-priority water-oriented uses (ports, water-related industry, water oriented recreation, airports and wildlife areas) is reserved for these purposes. Land-side uses and structural changes are governed by policies regarding public access. BCDC can require, as conditions of permits, shoreline public access improvements consistent with a proposed project, such as, but not limited to, pathways, observation points, bicycle racks, parking, benches, landscaping, and signs.

Of primary concern to BCDC is the placement of new "fill" (generally defined as any material in or over the water surface, including pilings, structures placed on pilings, and floating structures) in the Bay. The McAteer-Petris Act imposes very strict standards for the placement of new fill. Placement of fill may be allowed only for uses that are (1) necessary for public health, safety or welfare of the entire Bay Area; (2) water-oriented uses, such as water-related industry, water-oriented recreation, and public assembly and the like; or (3) minor fill to improve shoreline appearance and public access. Fill must be the minimum necessary for the purpose and can be permitted only when no alternative upland location exists. While the two projects would each result in a limited amount of new fill related to the extension of the Pier 30-32 apron for the eastern cruise berth and creation of the Brannan Street Wharf, each project would result in a net decrease of Bay fill. The Cruise Terminal would result in no net increase in fill from the creation of the expanded pier and the removal of a portion of Pier 30-32 to create a south-facing lagoon. The Brannan Street Wharf would result in approximately 32,000 sq. ft. of new fill and a net decrease of approximately 59,845 sq. ft. due to the removal of Pier 36 (91,845 sq. ft.).

Other BCDC planning documents applicable to the northeastern waterfront include: the *San Francisco Bay Plan* (Bay Plan), adopted in 1969 and since amended, which specifies goals, objectives and policies for existing and proposed waterfront land use and other BCDC jurisdictional areas; the *Bay Area Seaport Plan*, prepared in conjunction with the Metropolitan Transportation Commission, which is BCDC's overall policy for long-term growth and development of the Bay Area's six seaports, including the Port of San Francisco; and the *San Francisco Waterfront Special Area Plan* (SAP), which is incorporated as a more specific element of the Bay Plan and, among other things, indicates acceptable land uses along the San Francisco Waterfront in much greater detail than does the regional Bay Plan.

In July, 2000, BCDC approved major amendments to the SAP, originally adopted in 1975, to reflect and be consistent with the Port's Waterfront Plan. The revised SAP identifies piers to be removed to create open water basins, prescribes two major new public plazas, and establishes new rules for development on certain existing piers, including allowing the repair and reconstruction of existing piers for any use consistent with the public trust, under certain conditions. Specifically, the SAP allows for minor amounts of new fill outside the boundaries of the existing pier footprint at Pier 30-32 for maritime and public access uses. The SAP establishes that public access occupying 35 percent of Pier 30-32 would meet BCDC's requirements for maximum feasible public access. The Cruise Terminal would meet that requirement. The SAP also establishes the requirement that the Brannan Street Wharf be constructed within 5 (the northern portion in the area of the former Pier 34) to 20 years of the issuance of a certificate of occupancy "for the major reuse of Piers 30-32, or a comparable development." The Port also adopted conforming amendments to its Waterfront Plan.

The area covered by the SAP is the land and water located along the existing shoreline of the City and County of San Francisco from the Hyde Street Pier through the India Basin, including all areas within the jurisdiction of the Port of San Francisco. The SAP divides the waterfront area into three geographic areas: Fisherman's Wharf, Northeastern Waterfront, and Southern Waterfront, to which particular permitted uses, policies, and maps are addressed. The Cruise Terminal and Brannan Street Wharf project

sites are located within the Northeastern Waterfront. The Northeastern Waterfront extends from Pier 35 to China Basin and is characterized by three geographic areas or districts, including the Base of Telegraph Hill that extends from Pier 35 to Pier 9; the Ferry Building from Pier 7-1/2 to Pier 22-1/2; and South Beach, extending from Pier 24 to China Basin. The project sites are located within the South Beach district.

The policies in the SAP apply only to areas within the jurisdiction of BCDC for permit purposes. These policies, in addition to the McAteer-Petris Act and other sections of the Bay Plan, are the basis for BCDC permit decisions and for federal consistency review under the federal Coastal Zone Management Act of 1972, as amended. The SAP includes general policies that apply to all areas covered by the plan, and geographic-specific policies that specify permitted uses that may be allowed on fill in specified areas within BCDC's jurisdiction, describe in greater detail the limits on Bay fill, and guide the provision of public access, consistent with development projects. In the Northeastern Waterfront, the geographic-specific policies apply to the Bay Plan policies regarding filling for public trust uses. Other Northeastern Waterfront geographic-specific policies guide the provision of public benefits and public access required for development within that portion of the San Francisco Waterfront. See Appendix B for excerpts from the SAP that directly address development on Pier 30-32 and Seawall Lot 330 and the creation of the Brannan Street Wharf.

### The Public Trust

The City and County of San Francisco, through the Port Commission, holds title to Port lands in trust for the people of the State of California. This is because the State, upon admission to the United States in 1850, was granted title to all submerged lands and tidelands, and Port property consists of submerged lands and tidelands. Until 1968, the Port of San Francisco was governed by a State Harbor Commission. In 1968, the State Legislature adopted the Burton Act, which enabled transfer of the Port area to the City and County of San Francisco to be held in trust for the people of California for the purposes of maritime commerce, navigation and fisheries (the "public trust"), uses that enhance natural resources or attract people to use and enjoy the Bay and other specified uses.

The Burton Act granted the Port broad powers relative to the transferred property. There are, however, three key constraints: (1) property subject to the public trust and statutory trust imposed by the Burton Act cannot be sold or otherwise alienated by the Port, unless the property is found to be valueless for trust purposes and is a small portion of the total land held in trust by the Port; (2) the properties cannot be leased for a period exceeding 66 years; and (3) the revenues derived from the operation of the leased property must be maintained in a separate account and used only for trust purposes. The Port Commission may determine that Port property is surplus to trust purposes and may exchange that land for other property and/or use it for other purposes determined by the Port Commission and the State Lands Commission to be in the public interest. It is also acceptable for the Port to establish short-term leases (generally 10 years or less) for non-trust purposes if the property will not be required for trust purposes during the ten-year period of the lease. The State Lands Commission is the State agency that oversees

compliance by the Port with its grant under the Burton Act. No formal approvals are required by the State Lands Commission for Port projects. However, the State Lands Commission acts in an advisory capacity to BCDC with regard to BCDC's findings of trust compliance made pursuant to BCDC's San Francisco Special Area Plan.

The primary purpose of the proposed project development on Pier 30-32 is to construct a new international cruise terminal for San Francisco. The purpose is clearly consistent with the public trust. Other commercial and recreational uses, such as those proposed in the project, may be determined to be consistent with the public trust. A final determination of trust consistency, as well as consistency with the Waterfront Plan, would be made by the Port Commission, in consultation with BCDC and the State Lands Commission. Residential uses on the seawall lot would not generally be considered as a trust-consistent use.

The Cruise Terminal project site (Pier 30-32 and Seawall Lot 330) would be leased by the Port to SFCT, the private development component of the project sponsor team, for a period of 66 years. Termination of the trust restrictions on the seawall lot, with transfer of those restrictions to another site, would allow conveyance of the seawall lot into private ownership for development of the condominium project. A trust receiver site has yet to be identified. The Brannan Street Wharf project site would remain under Port control and would not be leased to a private entity.

### *AB 1389 - State Legislation on the Public Trust*

Assembly Bill 1389 was introduced by Assembly Member Kevin Shelley, approved by the California Legislature on September 14, 2001, and signed by Governor Gray Davis on October 4, 2001 (see Appendix D for the complete text of the bill). The bill accomplishes several key items that pertain to the Cruise Terminal and Brannan Street Wharf projects, as described below:

- Ratifies the BCDC Bay Plan and Special Area Plan, adopted in July, 2000, as necessary to protect the health, safety or welfare of the public in the entire Bay Area;
- Allows the sale of the former Main Street right-of-way, an approximately 12,000 sq. ft. section of Seawall Lot 330;
- Allows 300,000 leaseable square feet of office space on Pier 30-32, all of which must be marketed to trust tenants and located above the ground level, and an additional 25,000 leaseable square feet of additional space which may be used for office space for a 14-year period of time before converting to Trust use;
- Allows both local-serving (non-Trust) and visitor-serving (Trust) retail space, so long as the amount of Trust retail space is greater than the amount of non-Trust retail space and the total amount of retail space is not less than 40 percent of the amount of office space; and
- Requires the construction and accelerates the completion of the Brannan Street Wharf.

## San Francisco Planning Code

The Planning Code, which incorporates by reference the City Zoning Maps, governs land uses, densities and configuration of buildings within San Francisco. Permits to construct new buildings or to alter or demolish existing ones may not be issued unless the proposed project conforms to the Planning Code or an exception is granted pursuant to provisions of the Planning Code.

Zoning in the project vicinity is generally M-2 and M-1, except for the nearby Rincon Hill Special Use District, which is zoned RC-4. The Cruise Terminal and Brannan Street Wharf project sites are within an M-2 (Heavy Industrial) Zoning District. The Planning Code states that the M-2 District "is the least restricted [district] as to use and is located at the eastern edge of the City, separated from residential and commercial areas. The heavier industries are permitted...but some uses are permitted only as a conditional use or at some distance from residential districts (Section 210.6)." Retail sales and office uses are principal permitted uses in the M-2 Districts, while residential dwellings and hotel uses require conditional use authorization (Section 215).

The San Francisco Planning Code establishes three Waterfront Special Use Districts, which include a provision for a waterfront design review process for certain projects located within the districts. Pier 30-32 is located within Waterfront Special Use District (WSUD) #1 (Section 240.1), which covers most of the piers north of the China Basin Channel, including Pier 36. Seawall Lot 330 is located within Special Use District #3 (Section 240.3). The Brannan Street Wharf project is located within WSUD #1.

In WSUD #1, principal permitted uses include maritime uses and uses permitted in the underlying zoning district (in this case M-2, see above) that are also identified as an acceptable, existing or interim land use in the Waterfront Plan. There is also a requirement that any project involving any use other than maritime be subject to review of the urban design of the proposed use by the Design Advisory Committee. Section 240(c) establishes the rules and procedures for a Waterfront Design Advisory Committee made up of representatives of the Port, the Planning Department and the Mayor's Office, whose role is to review the urban design of new developments on certain lands located within the Waterfront Special Use Districts. Development proposed on Pier 30-32 would require review by the Waterfront Design Advisory Committee.

In WSUD #3, principal permitted uses include industrial, commercial and other operations directly related to the conduct of waterborne commerce or navigation, and wholesale establishments conducted entirely within an enclosed building. Conditional uses include a hotel or a motel, an automobile service station, and any project that includes more off-street parking spaces than required by the Planning Code. On property under the jurisdiction of the Port, there is also a requirement for projects of at least one-half acre in size to be subject to the waterfront design review process. Seawall Lot 330 would require review by the Design Advisory Committee, in addition to a conditional use permit by the Planning Commission.

The proposed seawall lot portion of the Cruise Terminal project site is within a 105-F Height and Bulk District (105-foot basic height limit; the "F" bulk limit indicates a maximum plan dimension of 110 feet

and maximum diagonal dimension of 140 feet, above 80 feet in height). The Cruise Terminal project, which includes residential towers on the seawall lot that would exceed 105 feet, would require a height reclassification for the seawall lot to a 200-foot height limit and an exception to the bulk limit to allow a 17-story, 187-foot tower at the corner of Beale and Bryant Streets.

Planning Code Section 215(a) establishes residential density in M-2 Districts at one unit for each 800 sq. ft. of lot area, or the density level of the nearest R District, whichever district provides the greatest density. The nearest R District is the RC-4 District, which has a maximum allowable density of one dwelling unit to every 200 feet of lot area (Planning Code Section 209.1(l)). The proposed residential development on the 124,000 sq. ft. seawall lot would contain 350 dwelling units, a density of one unit per 354 sq. ft. of lot area. As such, the proposed 350 units would meet the density limits established in Planning Code Section 209.1(l).

Planning Code Section 135 requires 36 sq. ft. of usable open space for each dwelling unit (if all units are private) or a ratio of 1.33 of common open space that may be substituted for private open space. The Cruise Terminal project would meet this requirement by providing private balconies and hardscape and green spaces, including a swimming pool, on the project's podium level.

Parking requirements for the residential component of the Cruise Terminal project are regulated by Planning Code Section 151, which requires one parking space for each dwelling unit. The project would construct 350 dwelling units and would provide 350 parking spaces. Thus, the project would meet the Planning Code's requirement for the amount of parking.

Pier 30-32 is located within a 40-X Height and Bulk District (40-foot basic height limit; the "X" indicates no bulk limits). Structures proposed for the pier would range in height from 46 to 88 feet, with the tallest point being the eastern end of the Cruise Terminal on the northeastern corner of the pier. The element of the terminal building at the water's edge rising to 88 feet would be an unoccupied architectural feature. The project sponsor is seeking a Height and Bulk reclassification to 50-X in order to allow for buildings on the pier to exceed 40 feet in height due to the depressed parking area under the central area of the Pier. (Planning Code Section 260 permits exceptions to the height limits for structures owned by the Port of San Francisco and for unoccupied architectural elements of public buildings.) The Pier 30-32 component would have a floor area ratio (FAR) of 1.6:1, which would be permitted in the M-2 zoning district (the maximum permitted FAR is 5:1).

The Pier 30-32 component would be constructed over a one-level parking garage containing 450 parking spaces, including 18 handicap accessible parking spaces and 23 bicycle spaces. The Cruise Terminal project would meet the requirements for handicap accessible parking and bicycle spaces, but would provide substantially fewer than the required number of parking spaces. Planning Code Section 161(f) permits the Planning Department or Commission, for conditional uses, to reduce the off-street parking requirements in recognition of the policies set forth in the Northeastern Waterfront Plan.

The Planning Department is currently in the process of amending the Rincon Hill Plan and combining the Planning Code's Rincon Hill Special Use District subarea designations (Residential and Commercial/Industrial subareas) into one Rincon Hill Mixed-Use (RHM) District in order to increase height limits and to make other changes intended to stimulate additional high-density, residential development in the Rincon Hill area. The Rincon Hill project area, situated immediately to the north and to the west of Seawall Lot 330, is south of the Transbay Terminal, north of the South Beach area, and bounded generally by Folsom Street, Steuart Street, The Embarcadero, Bryant Street, Beale Street, the Bay Bridge approach, and the Transbay Terminal ramps.

## IMPACTS

### *SIGNIFICANCE CRITERIA*

The City has not formally adopted significance standards for land use impacts, but it generally considers that the implementation of a proposed project would have a significant land use impact if it were to:

- substantially disrupt or divide the physical arrangement of an established community;
- substantially conflict with established recreational, educational, religious, or scientific uses; or
- have a substantial impact on the existing character of the community.

A project could also have a significant effect if it would conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) if these plans, policies, or regulations are adopted for the purpose of avoiding or mitigating an environmental effect.

### *IMPACT ANALYSIS*

This section describes potential effects of the proposed projects on land use, and local plans and policies. Potential effects are described for each of the two projects.

#### Land Use

The proposed Brannan Street Wharf project would replace Pier 36, which is currently used for parking/storage, with a 57,000 sq. ft. public waterfront park. The proposed Cruise Terminal project would result in an introduction of new land uses to a site currently used primarily for vehicle parking. On the seawall lot, the project would introduce 350 residential units to the site, reduce the number of parking spaces provided (from 500 to 350), provide open space where there currently is none, and substantially intensify the overall use of the site. On Pier 30-32, the vast open pier structure would be transformed from a 400-car parking lot and storage area to a large mixed-use project that would include a 100,000 gsf cruise terminal, 370,000 gsf of office space, 220,000 gsf of retail space (including cinemas, a music club,

a grocery store, and a variety of other stores), a number of publicly accessible open spaces, and 450 parking spaces. Red's Java House, a small restaurant, would remain in its current location.

While the changes that would occur on the project sites as a result of the proposed project would be dramatic and substantial, they would also be in keeping with established development patterns and policies of the City and County of San Francisco. As described above, the adjacent South Beach neighborhood is an area in which a number of large residential projects, most of which include neighborhood-serving retail and restaurants on their ground floors, have been constructed in recent years in an area still occupied by numerous office buildings and a dwindling amount of waterfront maritime operations. The area is also well served by MUNI, particularly since the recent expansion of the N-Judah Metro line that now operates along The Embarcadero and services Pac Bell Park and the nearby Caltrain Depot. Thus, in the last five years the neighborhood has been transformed into a bustling, residential neighborhood where people live, work, and can be entertained well into the evening. This dramatic development pattern has been encouraged by City policies, including the Rincon Point-South Beach Redevelopment Area, the Northeastern Waterfront Area Plan, and the Port's Waterfront Plan. These same policy documents also encourage and/or specifically call for the land uses proposed as part of the projects, particularly the cruise terminal, public/recreational open spaces, and public access to and along the waterfront.

As such, the proposed projects, which would be achieved within the existing block/pier configuration, would continue and reinforce existing land use development patterns, would be consistent with nearby existing uses, and would neither disrupt nor divide the neighborhood. For these reasons, both projects would have a less than significant land use impact.

### Plans and Policies

Development of the currently unprogrammed Cruise Terminal project site would generally be consistent with the applicable plans and policies and would not substantially conflict with any adopted plans and policies. As called for in the Northeastern Waterfront Plan, an Area Plan of the General Plan, the proposed residential/cruise terminal/mixed-use project would generally enhance the economic vitality of the Port and the City, preserve the waterfront's maritime character, provide commercial and maritime recreation, and provide for visible and physical access to and along the Bay. The Cruise Terminal project would generally be compatible with a majority of the policies and objectives of the Northeastern Waterfront Plan. The Brannan Street Wharf project would appear to be generally compatible with the Northeastern Waterfront Plan and would reinforce policies related to increasing public access to the waterfront and removing dilapidated piers to approve shoreline appearance.

The Port's Waterfront Plan specifically designates Pier 30-32 as a Mixed-Use Opportunity Area, which explicitly identifies the pier for use as a highly visible maritime element and recommends other ancillary commercial and recreational uses. The removal of Pier 36 and the creation of a new public access facility, such as the Brannan Street Wharf, recreational maritime uses, and a landscaped open space program in the Mixed-Use Opportunity Area, would be consistent with the Waterfront Plan's objectives

to improve areas that would provide opportunities for passive and active recreational uses. The proposed development on Pier 30-32 and the proposed Brannan Street Wharf would likely be consistent with the Waterfront Plan's Design and Access Element, which provides design criteria for both Pier 30-32 and the Brannan Street Wharf, including site coverage, massing, views, orientation and architectural details. Additionally, the proposed projects would generally meet or not conflict with the seven general goals of the Waterfront Plan, which in part encourage maritime uses, promote diversity of uses, and encourage public access.

The Bay Plan contains policies that regulate development within 100 feet of the San Francisco Bay. Of primary concern to BCDC is the placement of new fill in the Bay for purposes of new development. While each project would result in a minimal amount of new fill (related to the extension of the Pier 30-32 apron for the eastern cruise berth and creation of the Brannan Street Wharf), each project would also result in a net decrease of Bay fill due to the removal of a portion of Pier 30-32 to create a lagoon area and the removal of Pier 36. Thus, the construction of the proposed projects would not conflict with these goals and policies.

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## REFERENCES – Land Use, Plans, and Policies

City and County of San Francisco, *San Francisco General Plan, including Northeastern Waterfront Plan* (amended through January 1998).

City and County of San Francisco, Department of the Environment, *The Sustainability Plan for the City of San Francisco*, 1997.

Port of San Francisco, *Waterfront Land Use Plan*, adopted June 1997, (Republished January 2000), and as amended July, 2000 and October, 2000.

Port of San Francisco, *Waterfront Design and Access Element, An Element of the Waterfront Land Use Plan*, adopted June 1997, as amended July, 2000.

San Francisco Bay Conservation and Development Commission, *San Francisco Bay Plan*, 1969 (as amended through July, 2000).

San Francisco Bay Conservation and Development Commission, *San Francisco Waterfront Special Area Plan*, April 1975 (amended through July 2000).

# B. VISUAL QUALITY

## SETTING

### *VISUAL CHARACTER*

The Cruise Terminal project site (including both Pier 30-32 and Seawall Lot 330) is unoccupied by buildings except for the small, one-story Red's Java House restaurant situated in the northwest corner of Pier 30-32 along The Embarcadero. The 1,500-square foot structure appears small in contrast to the paved, flat expanse of the pier behind it. The cream-colored structure has multiple window openings, a hipped roof, and signage along its the roofline. An approximately eight-foot tall cyclone fence extends from Red's Java House southward along the pier's Embarcadero frontage, and is joined to a metal gate at the southernmost point on the pier. Along the perimeter of the pier are large bollards, thick metal posts used for securing ship's ropes and hawsers, located on the north and south sides of the pier. Other than Red's and the bollards, the entire paved pier is almost completely flat and is without any articulation. During most days, the pier is partially occupied by parked automobiles (approximately 300), which visually dominate the site when viewed from The Embarcadero or most other off-site viewpoints.

Parked vehicles also visually characterize the seawall lot on most days. The 124,000-square-foot triangular lot is a flat, paved parking lot occupied by a small temporary structure used by the lot's parking attendant. At full capacity, up to 500 parked automobiles are visible on the lot. Street trees planted along the site perimeter on Beale and Bryant Streets and The Embarcadero provide a visual outline of the site.

The Wharf project site includes Pier 36 and the marginal wharf between Pier 30-32 and Pier 38. Located on the northwest corner of Pier 36 is a one-story, 30-foot tall shed building constructed of wood and steel with a glass skylight spine along its roof. The utilitarian storage structure, with no distinctive architectural articulation, is set back from The Embarcadero approximately 35 feet. Parked trucks and vans are visible along the narrow northern side and wider southern side of the pier. The remainder of the generally flat and visibly decaying pier is typically occupied by parked trucks and vans as well as scattered junk piles.

Both project sites are only nominal sources of nighttime lighting. Existing nighttime light sources in the vicinity of the Cruise Terminal project site consist of decorative street lighting along the edges and in the median of The Embarcadero, light stands on the seawall lot that provide lighting to the parking lot, and light stands on Pier 30-32. Lighting on The Embarcadero also extends along the Wharf project site. Pier 36 is also minimally lit to facilitate operations in and around the shed building located on it.

### *VIEWS OF SITE*

Five photographs of existing conditions are provided below as Figures 18, 20, 22, 24, and 26.[4] Figure 18 looks northwest across the seawall lot and was taken from the eastern side of The Embarcadero at its

[4] The photographs were taken February 22, 2001.

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SOURCE: Previsualists Unlimited

*SF Cruise Terminal Mixed-Use Project and Brannan Street Wharf Project* ■

**Figure 18**

Photograph of Existing Conditions -
View Looking Northwest to Seawall Lot 330

SOURCE: Previsualists Unlimited



**Figure 19**
Photosimulation -
View Looking Northwest to Seawall Lot 330

SOURCE: Previsualists Unlimited

**Figure 20**
Photograph of Existing Conditions -
View Looking Southwest to Seawall Lot 330

SOURCE: Previsualists Unlimited

**Figure 21**
Photosimulation -
View Looking Southwest to Seawall Lot 330

SOURCE: Previsualists Unlimited

**Figure 22**
Photograph of Existing Conditions -
View Looking East to Pier 30-32 From Brannan Street

SOURCE: Previsualists Unlimited



**Figure 23**
Photosimulation -
View Looking East to Pier 30-32 From Brannan Street

SOURCE: Previsualists Unlimited

*SF Cruise Terminal Mixed-Use Project and Brannan Street Wharf Project* ■

**Figure 24**
Photograph of Existing Conditions -
View Looking East to Pier 30-32 From Seawall Lot 330

SOURCE: Previsualists Unlimited



**Figure 25**
Photosimulation -
View Looking East to Pier 30-32 From Seawall Lot 330

SOURCE: Previsualists Unlimited

**Figure 26**
Photograph of Existing Conditions -
View Looking Southwest to Seawall Lot 330 from
Main Street at Harrison Street

SOURCE: Previsualists Unlimited

**Figure 27**
Photosimulation -
View Looking Southwest to Seawall Lot 330 from
Main Street at Harrison Street

intersection with Brannan Street, what would be the western edge of the proposed Brannan Street Wharf. Figure 20 looks southwest across the seawall lot and was taken from the eastern side of The Embarcadero at its intersection with Bryant Street. Figure 22 looks east across a portion of the Brannan Street Wharf project site and Pier 30-32 and was taken from the western side of The Embarcadero at its intersection with Brannan Street. Figure 24 also looks east across Pier 30-32, but was taken from in front of the seawall lot on the western side of The Embarcadero, south of Bryant Street. Figure 26 looks southeast down Main Street towards the seawall lot and was taken from the intersection of Main and Harrison Streets.

Following each photograph is a corresponding computer-modeled photosimulation of the general appearance of the proposed projects. The simulations are not meant to be realistic representations of what the projects would look like architecturally, but rather are meant to instruct as to the potential for effects on views and urban design. As such, the simulations do not depict the architectural style, materials, treatment, or detailing of the buildings and open spaces that would actually be constructed as part of the proposed projects. The photosimulations are provided as Figures 19, 21, 23, 25, and 27.

Neither project site is readily visible in mid-range and long-range views because of their flat terrain and surrounding development, except where streets provide narrow view corridors. Brief glimpses of at least a portion of the project sites are visible from vehicles travelling in the southern lanes on the Bay Bridge. Tenants of residential units along Bryant and Beale Streets, including Bayside Village and Portside Condominiums, look directly onto the seawall lot and have views of San Francisco Bay across Pier 30-32. Bayside Village and Delancey Street residences also have views to the Bay across Pier 36.

The BCDC Special Area Plan (SAP), adopted in July 2000, analyzed view corridors in the vicinity of the proposed projects. The SAP describes the existing and proposed (anticipated) views towards the waterfront down Brannan, Beale, and Bryant Streets. Main Street views are not discussed. The existing view down Brannan Street is of the "Bay Bridge and pier deck," with the proposed view described as "Bay Bridge and waterfront architecture." The existing view down Beale Street is of "pier deck" and is proposed for views of the "Bay and Brannan Street Wharf Park." Views down Bryant Street are of the "bulkhead building" on Pier 28 and are not anticipated to change.

The Waterfront Plan (Waterfront Design and Access Element), adopted in 1997, identifies Brannan Street as a proposed "View to Architecture with a Waterfront Identity" and Beale Street as a "Proposed View to Bay." Bryant Street is described as a "View to Historic Structures" because it visually terminates at Pier 28. Main Street views are not described.

## IMPACTS

### *SIGNIFICANCE CRITERIA*

San Francisco has no formally adopted significance criteria regarding visual quality and urban design. However, the project would have a significant effect on the environment if it would:

- substantially degrade or obstruct publicly accessible scenic views;
- substantially degrade the existing visual character or quality of the area, or result in a substantial, demonstrable negative aesthetic effect; or
- generate obtrusive light or glare that would adversely affect views or substantially affect other properties.

## *IMPACT ANALYSIS*

### Aesthetic Effects

Taken together, the Cruise Terminal and Wharf projects would result in a visual change to their respective project sites and the greater project vicinity/South Beach neighborhood. The proposed Cruise Terminal project would result in a visual change since it would include a variety of new structures on both the Pier 30-32 and seawall lot portions of the site that would range in height from 25 to 187 feet. On the seawall lot, a series of buildings and open spaces would be provided, including three towers and two three-story buildings on top of a two-level podium and three smaller buildings along the perimeter of the site. The proposed Brannan Street Wharf project would result in a visual change since it would replace a pier with a shed building on it with a landscaped open space and open water basin.

Ranging from 25 to 70 feet, the street level units on the seawall lot would be in keeping with the immediately surrounding residential buildings, which range from approximately 50 to 85 feet in height. The three towers, which would range from 105 to 187 feet in height, would be the tallest buildings along The Embarcadero in the immediate area, but would be of similar or lesser heights than recently-constructed residential tower projects in the South Beach neighborhood. For example, Avalon Towers, located two blocks to the northwest on Beale Street, is 230 feet tall. The Brannan, located less than two locks to the west, is 195 feet tall. One Embarcadero South, just over two blocks to the south, is approximately 140 feet tall. Paved and green open spaces at the corners of Brannan and Bryant Streets with The Embarcadero would provide a visual break and allow for views into the site from street-level vantage points. Figures 19, 21, and 27 depict how the seawall lot portion of the site would generally be expected to look with construction of the Cruise Terminal project.

On Pier 30-32, the Cruise Terminal project would result in the construction of a number of buildings that would vary widely in size, shape, and height. The most prominent component of the project on the pier would be the cruise terminal, which as currently envisioned would include a large, sloping, circular roof that would rise to 88 feet at its peak. The Embarcadero frontage of Pier 30-32 would be approximately 46 feet tall, as would most of the other buildings on the site. The entire southern perimeter of the pier would be public open space, connecting to public plazas on the interior of the site and extended aprons along the eastern and northern edges that would provide access to additional views when cruise ships were not in port. Figures 23 and 25 depict how the Pier 30-32 of the site would generally be expected to look with construction of the Cruise Terminal project on a day in which a cruise ship would be in port. The approximately 190-foot tall vessels would be visually prominent and, depending on the angle, appear

substantially taller than the buildings on the pier. Although a small portion of the Brannan Street Wharf would be located in the foreground of development on Pier 30-32, it is not distinguishable from this perspective.

On Pier 30-32, the Cruise Terminal project would not alter or move Red's Java House, the only existing building on the project site. However, the Cruise Terminal project would transform a vast, flat, uniformly paved, and otherwise vacant pier with no distinguishing visual qualities into an entirely developed property with a variety of publicly accessible open spaces (ranging in size and nature) and a series of primarily two- to three-story buildings. In contrast to the current barren condition of the pier, these structures would create a strong visual edge along The Embarcadero and each side of the pier. The structures would be generally consistent in their height, except for the terminal structure, which, situated at the northeastern corner of the pier, would gradually slope south to north from 46 to 88 feet high. Interspersed between the pier's buildings would be a collection of open spaces that would vary in size, form, and design treatment.

The southern end of the pier would appear more open and less densely developed. Walkways and public spaces would front a curved lagoon on that side of the pier. The semi-circular lagoon (cutout from the pier), landscaping and public access of the pier would visually integrate with the adjacent proposed Brannan Street Wharf open spaces and water basin.

The seawall lot would be transformed from an undeveloped surface parking lot to a densely developed residential site with a cluster of buildings of varying heights and forms. The seawall lot would consist of eight buildings, including three towers (varying in height from 105 feet to 170 feet), one located near each of the triangular lot's corners. Connecting the towers would be two- to six-story townhouses that would visually enclose much of the site's perimeter. Each of the buildings would have slightly different roof and facade treatments. The streetwall would be punctuated at the corners by cascading stairways leading into the landscaped open spaces within the project site.

Construction materials for both components of the Cruise Terminal project would include glass and steel, and the project's design would be of a contemporary style. Except for the cruise terminal, the proposed pier buildings would generally have pitched and hipped roofs. The cruise terminal would have a distinctive large cylindrical shape. The architectural style and the materials would be in keeping with the diversity of materials and styles of buildings in the immediate area and the broader South Beach neighborhood. For example, to the northwest of the seawall lot are the white concrete and glass Portside Condominiums neo-Moderne towers, while to the west of the seawall lot is the more horizontal brick-clad Bayside Village.

The Wharf project would replace the existing Pier 36 and marginal wharf with a new landscaped public open space. The Wharf open space would likely make a positive visual contribution to the area as a result of replacing a largely undistinguished, dilapidated pier and marginal wharf with an open water basin and landscaped public open space (including trees, street furniture, etc.) designed to encourage interaction

with the waterfront and passive recreation. Further, the Wharf would provide access to additional views of the Bay.

Although visual quality is subjective, given the proposed exterior materials and the fact that the proposed project would be constructed within a group of nearby buildings of varying height and bulk in a highly developed urban area, it cannot be concluded that the proposed project would result in a substantial, demonstrable negative aesthetic effect, or that it would substantially degrade the existing visual character of the site and its surroundings. The same conclusion would apply to the Brannan Street Wharf project, whose open space and net increase in visible water area would likely have a positive aesthetic effect. As such, both projects would result in less than significant visual effects related to visual character and aesthetics.

The proposed projects would increase the amount of light emitted from the site as a result of the increase in intensity of use of the sites, but would not increase ambient light to levels that would be substantially disruptive. The project would increase the amount of light emitted from the project site, when compared to existing and pre-2001 conditions, but would not substantially increase ambient light levels in the project vicinity. Light and glare produced from the proposed project would be typical of residential or commercial uses nearby and throughout the City. Moreover, there would be no uplighting of the exterior of the cruise ship terminal, which would further reduce ambient light levels and nighttime glare. The Wharf project would provide lighting for safety, which would be only a minimal amount of new light when taken in the context of The Embarcadero and the surrounding uses. As such, neither project would produce obtrusive glare that would substantially affect other properties, and both would comply with Planning Commission Resolution 9212, which prohibits the use of mirrored or reflective glass. Therefore, both projects would result in less than significant visual effects related to light and glare.

### Effects on Views

As is evident from the photosimulations, the Cruise Terminal project would result in a visually substantial and prominent addition to the waterfront and the South Beach area. Project development would be visible from the South Beach neighborhood to the west, the Bay Bridge to the north, Pac Bell Park to the south, and along The Embarcadero between those two landmarks. For people travelling north or south on The Embarcadero, previously unobstructed views of San Francisco Bay would be interrupted and blocked by the development proposed for Pier 30-32. From street level, particularly looking northeast from Brannan Street, views of the East Bay Hills, the Bay Bridge, Yerba Buena Island, and the Port of Oakland would be obstructed. As seen in Figure 23, on days when one or more cruise ships would be in port, the view obstruction would be increased, as cruise ships can rise in height to over 190 feet.

However, very similar views would continue to be available from both north and south of the Cruise Terminal site along The Embarcadero. Furthermore, the proposed Wharf project would create additional landscaped open space and remove Pier 36. Removal of Pier 36, on which a 30-foot tall shed building is located, would result in slightly improved views of the Bay south of the site from The Embarcadero and residential units to the west. Further, under worst-case conditions (expected in 2020), one or more cruise

ships would be in port less than one quarter of the year. As seen in Figure 25, views east to the Bay from near Bryant Street at The Embarcadero would be similarly obstructed. However, little beyond the peaks of the East Bay Hills can currently be seen, and thus the visual change from this viewpoint would be minimal.

Looking north from the intersection of Brannan Street and The Embarcadero, the Portside Condominiums and the Bay Bridge (at 110 feet) are visible immediately behind the seawall lot, and tall SOMA and downtown office buildings are visible further in the background (see Figure 19). With development of the seawall lot component of the Cruise Terminal project, views from this vantage point would be almost entirely of the proposed residential buildings. While the existing views from this vantagepoint would be obstructed, more expansive views to the north (up The Embarcadero) would remain unhindered.

The impact on existing views from the vantage point of Bryant Street and The Embarcadero would be similar (see Figure 21). Currently, views west and south from this point include the lanes of The Embarcadero in the foreground, Bayside Village in the midground, and taller residential towers and the lightstands of Pacific Bell Park in the background. To the northwest of the site is a clear view of the massive concrete anchoring of the Bay Bridge, including its long steel connectors to the underside of the bridge. With development of the Cruise Terminal project, this view would be almost completely blocked from Bryant Street south along The Embarcadero to almost Brannan Street.

Looking southeast toward the seawall lot down Main Street, views of the Bay and East Bay Hills are framed by the Portside Condominiums on the northeast and the Bay Bridge anchorages on the southeast. Views of the existing surface parking lot on the seawall lot are readily available in the midground. With the project, the proposed residential buildings on the seawall lot would obstruct views of the water and the East Bay Hills. The seawall lot buildings would fill a majority of the framed view corridor, with the six-story building fronting on Beale Street in the foreground and the 11-story tower visible behind it (see Figure 27).

When entering the City from the east on the upper deck of the Bay Bridge, brief glimpses of at least a portion of the project sites are visible when travelling in the southern (left ) lanes. Similar views are available, although even more briefly and less broadly, heading east on the lower deck of the Bay Bridge. In these views, the substantial size of both the pier and seawall lot components of the Cruise Terminal project would potentially be identifiable and a visually prominent feature on the Northeastern Waterfront, but would be viewed dynamically against an adjacent urban context. Similarly, the Wharf project would be visible, although it would not necessarily be visually distinctive from that distance.

Development on the seawall lot would be part of the growing number of medium-rise and high-rise buildings located south of Market Street, specifically in the South Beach neighborhood and along The Embarcadero (Seawall Lot 330 is one of the last undeveloped waterfront properties in the Northeastern Waterfront). The proposed residential development on the seawall lot would, as described above, introduce buildings to the site that are in keeping with the heights of other nearby buildings, but would

be taller than most other buildings along The Embarcadero. The proposed buildings would primarily affect some views from private residences in the Bayside Village and Portside Condominium complexes. While a potentially substantial change to the residents of those properties, visual impacts to private property would not be considered significant.

Development on Pier 30-32 would also disrupt existing views of the waterfront, but would do so only from limited public vantage points, primarily from portions of The Embarcadero just north and south of Pier 30-32. Similar views that are currently available would continue to be available very near to or from the project site. Further, open spaces provided on Pier 30-32 as part of the Cruise Terminal project, including the pier aprons (except when a ship is in Port), plazas, walkways, and the top floor of the terminal itself, would afford publicly-accessible views to the Bay, the Bay Bridge, Yerba Buena Island, the East Bay, and the City. By improving access to Pier 30-32, which currently has limited public access, some of the views that would be available would be broader and visible from slightly different perspectives than are currently available.

There are no major public open spaces in the project vicinity. Further, from long-range vantage points, such as Potrero Hill and Twin Peaks, the proposed projects would be nearly indistinguishable from the adjacent context of other nearby buildings. Further, the proposed projects would not disrupt the view corridors as identified and anticipated by the BCDC SAP. With the proposed projects, the view down Brannan Street would be of the Bay Bridge and waterfront architecture, the view down Beale Street would be of the Bay and Brannan Street Wharf Park, and the view down Bryant Street would continue to be of the bulkhead building on Pier 28. Similarly, in keeping with the Waterfront Plan, Brannan Street would have a view of architecture with a waterfront identity, Beale Street would have an improved view of the Bay, and Bryant Street would continue its view to historic structures. As such, the proposed projects would not obstruct any publicly accessible scenic views or have a substantial adverse effect on a scenic vista "observed from public areas." In light of the above, both the Cruise Terminal and Wharf projects would result in less than significant impacts related to visual quality and urban design.

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# C. TRANSPORTATION, CIRCULATION AND PARKING

A transportation study was prepared for the Cruise Terminal project and is summarized here.[5] Throughout this section, the terms "project" and "project site" refer only to the Cruise Terminal project and its two components on Pier 30-32 and the seawall lot, unless otherwise noted. The setting discussion prepared for the Cruise Terminal project would of course also be applicable to the regional and local vicinity conditions of the Brannan Street Wharf project site. A brief discussion regarding the transportation, circulation, and parking effects that would be associated with the Brannan Street Wharf project is provided at the end of this section.

## SETTING

### *STUDY AREA AND APPROACH*

The transportation analysis for the proposed Cruise Terminal project includes the assessment of existing transportation conditions during the AM, PM, and Weekend peak hours.[6] Data collected in November, 2000 and in spring and summer of 2000 were used for the analysis. In order to adequately assess each aspect of the proposed project, three fundamental analysis conditions were assumed: a Base Case condition, a Cruise Season condition, and an Off-Season condition. Each is described below.

#### Base Case

The Base Case condition assesses the impact of adding the proposed office and commercial uses on Pier 30-32 and the residential uses on Seawall Lot 330, independent of the special activities generated by the proposed cruise terminal facility. These uses would generate trips on a daily basis, rather than on an episodic basis like the cruise terminal (during the Cruise Season when ships are berthed or during the Off-Season when special events occur). The Base Case trips generated from the office, commercial, and residential uses would represent a typical day when neither a cruise ship is docked or a special event is occurring. This condition would be estimated to occur approximately 175 days out of the year.

#### Cruise Season

The Cruise Season condition represents a typical day during the cruise season (May through October) when one large home-berthed ship would be docked at the cruise terminal. The trips generated during this condition would include the Base Case trips and the trips generated by the cruise ship activity. Presently, about 40 to 60 cruise ships dock annually at the Port, an average of two or three calls per week. Cruise ship activity is expected to increase to about 107 calls per year by 2020, representing about

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5 The Duffey Company, *San Francisco Cruise Terminal Mixed-Use Project Transportation Impact Study,* November 15, 2001. This report is available for review by appointment at the San Francisco Planning Department, 1660 Mission Street, as part of Project File No. 00.1229E.

6 The AM peak hour of analysis is the peak hour of traffic between 7:00 and 9:00 AM. The PM peak hour refers to the peak hour of traffic between 4:00 and 6:00 PM. The weekend peak hour is the peak hour between 12:00 and 2:00 PM on Saturday.

85 days of the year on which one or more ships would be in port.[7] The average number of weekly calls would therefore be expected to increase to about four during the Cruise Season.

The Cruise Season scenario assumes one home-berthed ship in port with a total of 3,000 passengers. The morning and afternoon unloading and loading of passengers were assumed to occur outside the typical AM and PM peak commute hours. This condition is likely to occur about 40 days out of the 85 days with ships in berth. On 30 days out of the 85, it is estimated that there would be a transit ship (port-of-call, where passengers make day excursions into San Francisco and leave their luggage on-board) at the cruise terminal. On the remaining 15 days, two ships to three ships (maximum four days) would be expected in port annually.

### Off-Season

The Off-Season condition represents a day between November and April on which the project sponsor would rent out a portion of the cruise terminal for a special event. The trips generated during this condition would include the Base Case trips and the trips generated by the special event. The special events would most likely coincide with the PM or Weekend peak hours, rather than the AM peak hour. Like the cruise ship activity, these special events could occur more than a few nights a week, but would not be expected to occur on a daily basis.

The analysis for the Off-Season scenario assumed that there would be no ships in berth and that 20,000 square feet[8] of the cruise terminal would be used for special events such as cocktail parties, buffets, or sit-down dinners. This condition would be expected to occur about 90 days per year.

Based on these three conditions, the following future scenarios were analyzed during the peak hours:

- Existing Plus Project Base Case (PM peak hour)
- Existing Plus Project Cruise Season (AM peak hour, PM peak hour, Weekend peak hour)
- Existing Plus Project Off-Season (PM peak hour)
- Cumulative Year 2020 Base Case (PM peak hour)
- Cumulative Year 2020 Cruise Season (AM peak hour, PM peak hour, Weekend peak hour)
- Cumulative Year 2020 Off-Season (PM peak hour)

For this analysis, 13 existing intersections were identified as locations likely to be most affected by the proposed project. The analyzed intersections include: The Embarcadero at Howard, Folsom, Harrison, Bryant, and Brannan Streets; King at Second, Third, and Fourth Streets; Bryant at Main and Beale Streets; and Harrison at Main, Fremont and First Streets[9] (see Figure 28 for study intersections).

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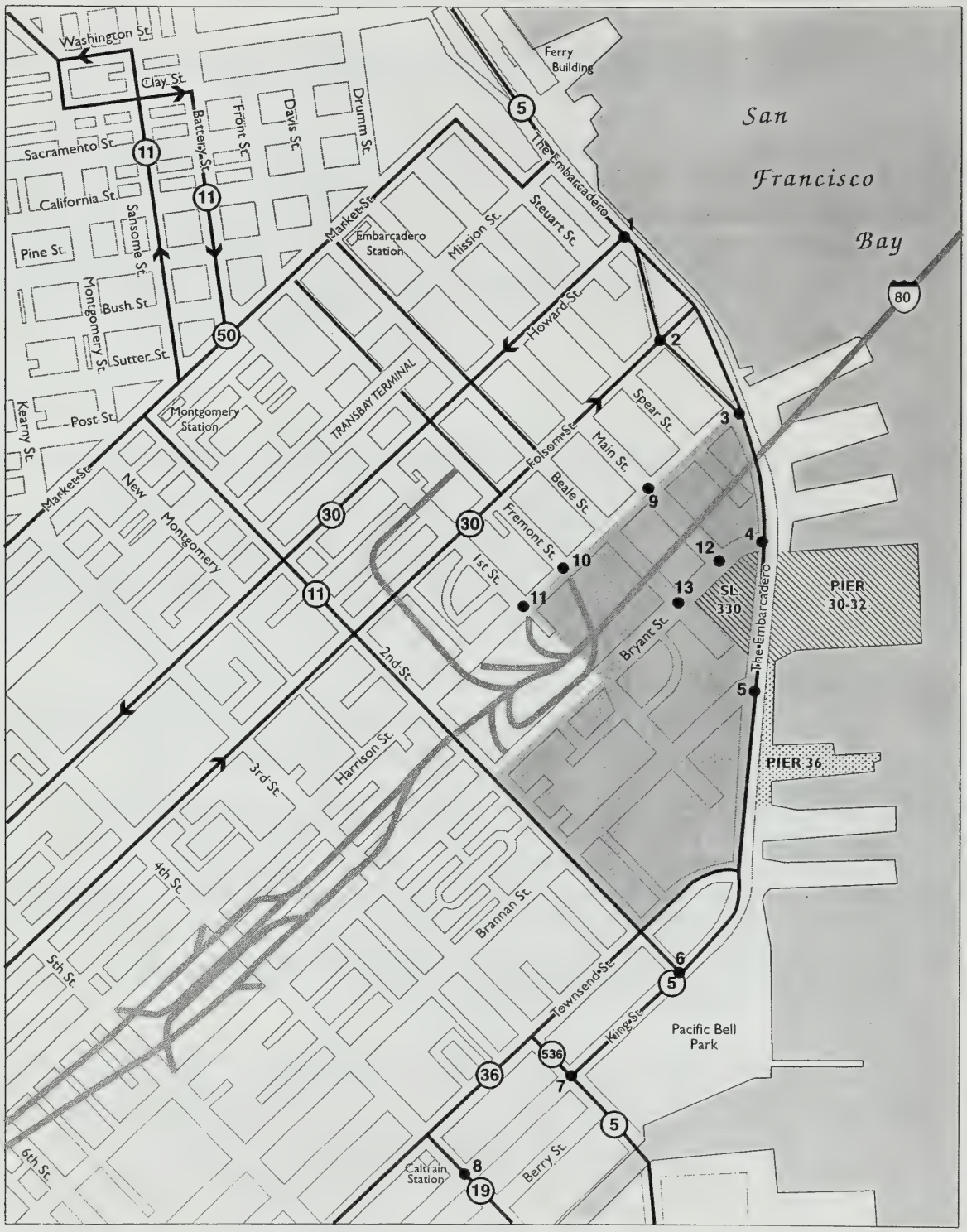
7 Anne Cook, Port of San Francisco correspondence to Rick Cooper, San Francisco Planning Department, April 24, 2001.

8 A special event scenario using 20,000 square feet was used as a typical event size. On a limited number of days, up to a maximum of 50,000 square feet of space would be used for special events. Other times, smaller events would be held. The projected impacts of a large event are summarized below under the "Large Event" discussion

9 Not all of the intersections were analyzed for all three of the peak hours. The peak hours analyzed for a given intersection was dependent upon the periods during which the intersection would be noticeably affected and therefore would provide useful information.




SOURCE: The Duffey Company; MUNI Map

*SF Cruise Terminal Mixed-Use Project and Brannan Street Wharf Project* ■

**Figure 28**
Traffic Study Intersections and Bicycle Routes

Intersections more distant from the project site were not evaluated as part of the transportation study because project-related traffic dispersed among the local streets as it moves from the site cannot be accurately measured.

The transit study boundaries are Bryant and Harrison Streets to the north, Townsend Street to the south, The Embarcadero to the east, and First and Second Streets to the west. Parking occupancy surveys of off-street public parking spaces were conducted during the midday (1:00 to 3:30 p.m.) and evening (6:00 to 8:00 p.m.) periods. The parking study area is within a two-block radius of the project site and is bounded by Bryant and Harrison Streets to the north, Townsend Street to the south, The Embarcadero to the east, and First and Second Streets to the west.

### *REGIONAL AND LOCAL ROADWAYS*

The project site is within an area of the city that is subject to traffic congestion during the afternoon commute, including the "p.m. peak hour," which is the hour of heaviest traffic volumes and typically occurs between 4:30 p.m. and 5:30 p.m. In particular, streets leading to the Bay Bridge on-ramps, including The Embarcadero, First Street, Harrison Street, and Bryant Street are congested, and drivers experience long delays in reaching the on-ramps. Drivers heading for I-80 westbound/U.S. 101 southbound also experience congestion and delays, particularly around the on-ramp at Fourth and Harrison Streets. Conditions on the I-80 freeway typically are also congested, with the worst congestion eastbound occurring near the Sterling Street on-ramp (near Second and Bryant Streets), and westbound, between Fifth Street and the U.S. 101 junction (just west of Ninth Street).[10]

Within the project vicinity, The Embarcadero, Bryant, King, Second, Third, and Fourth Streets, and a portion of Harrison and First Streets are designated in the Transportation Element of the *San Francisco General Plan* (General Plan) as Transit Preferential Streets. On these streets, priority is given to transit vehicles over autos during commute and business hours on weekdays, usually along curbside lanes. The Embarcadero is a Primary Transit Preferential Street and Citywide Bicycle Route #5 (Class II facility with bike lanes). Brannan Street is also a Primary Transit Preferential Street (between Fourth and Seventh Streets) and a Secondary Transit Preferential Street between Seventh and Eleventh Streets. The Embarcadero, Harrison (between The Embarcadero and Division Street), First, Third, Fourth, Howard, Bryant, Fremont, Folsom, and Main and Beale (between Washington and Mission) Streets are designated in the Transportation Element as Major Arterials, which the General Plan defines as "cross-town thoroughfares whose primary function is to link districts within the City and to distribute traffic from and to the freeways."

The Embarcadero runs along the eastern waterfront from Taylor Street in the Fisherman's Wharf area to King Street in South of Market, and is a main access road to Piers 1 to 45. The Embarcadero has two and three travel lanes in each direction and a dedicated MUNI light rail right-of-way in the median with

[10] *Mission Bay Final Subsequent Environmental Impact Report* (Case No. 96.771E), City and County of San Francisco Planning Department and San Francisco Redevelopment Agency, September 17, 1998.

transit stops at raised islands. Along The Embarcadero, metered parking is generally permitted on the landside. Some parking is available on the waterside in intermittent parking bays. Bryant Street extends from The Embarcadero in the South of Market to Precita Avenue in Peralta Heights. From The Embarcadero to Second Street, Bryant Street operates two-way in the east-west direction with two to three lanes. From Second Street to Eleventh Street, Bryant Street is a four-lane, one-way eastbound street. Parking is prohibited at all times between The Embarcadero and Main Street, on the north side of the street between Beale Street and the I-80 on-ramp at Sterling Street, and prohibited from 4:00 p.m. to 6:00 p.m. on the north side of the street between the on-ramp and Second Street.

Brannan Street operates in the east-west direction between The Embarcadero and Tenth Street, and has one travel lane in each direction. In the project vicinity, parking on Brannan Street is metered between The Embarcadero and Delancey Street and non-metered west of Delancey Street. Beale Street operates as a one-way street with three lanes running southbound from Market Street. All major intersections on Beale Street are signalized.

### *TRANSIT*

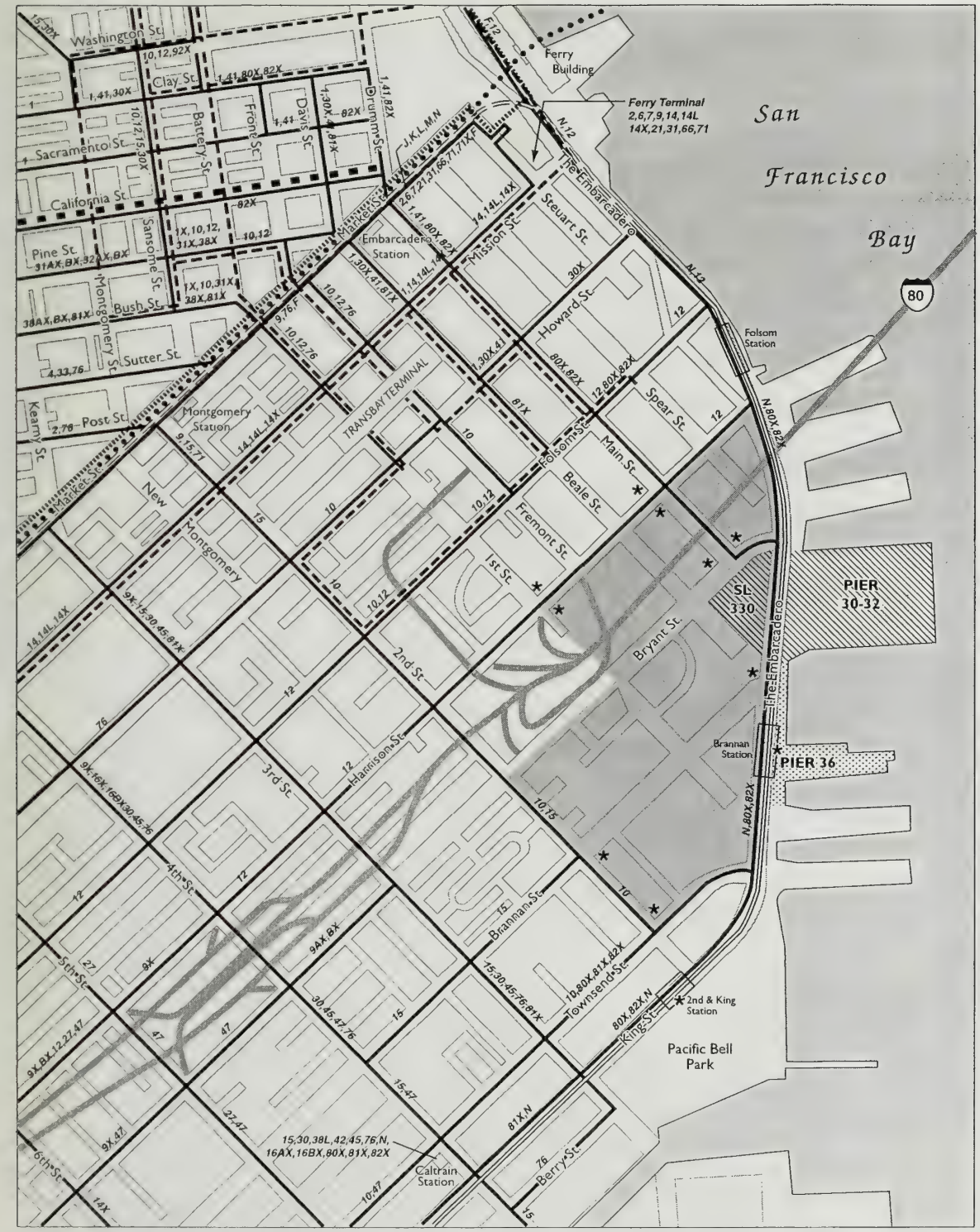
A high level of regional transit service is available within walking distance from the project site and may also be accessed via local transit service (see Figure 29 for existing transit routes and stops). The Transbay Transit Terminal is located one-half mile northwest of the project site on Mission and Fremont Streets and has access to AC Transit bus service to the East Bay, Sam Trans bus service to the Peninsula, and Golden Gate Transit bus service (along Mission and Fremont Streets) to the North Bay, either within or adjacent to it. The Embarcadero BART station is located approximately six-tenths of a mile northwest of the project site, with BART service to the East Bay and Peninsula. Downtown ferry terminals, located at Pier ½ and the Ferry Building, have ferry service to and from the North Bay and East Bay. The ferry terminals are located adjacent to The Embarcadero over one-half mile north of the project site.

The Caltrain Depot at Fourth and Townsend Streets is less than one mile southwest of the project site and runs commuter train service to the South Bay. The N-Judah MUNI Metro provides service to the Embarcadero BART station, which is located a few blocks from the ferry terminals, and to the Caltrain Depot. Currently, stops for approximately five MUNI bus lines and the N-Judah Metro line are within walking distance (considered one-quarter of a mile) of the project site. The two MUNI Metro stops closest to the project site are the Brannan Station, located just south of the site across from Pier 36 on The Embarcadero, and the Folsom Station, located one and a half blocks to the north of the site on The Embarcadero.

### *PARKING*

#### On-Site Parking

There are approximately 300 existing parking spaces on Pier 30-32 and approximately 500 parking spaces on Seawall Lot 330, for a total of 800 spaces. Monday to Friday, these facilities are generally




*SF Cruise Terminal Mixed-Use Project and Brannan Street Wharf Project* ■

SOURCE: The Duffey Company; MUNI Map

NOTE: Golden Gate transit routes 67 and 69, which were requested to be added to this figure by Commentor H-1, are not shown as they were eliminated in March, 2003 by the District as part of ongoing budget cutbacks.

**Figure 29**
Existing Transit Routes and Stop Locations

used by commuters with little turnover of spaces. On weekdays, a parking shuttle operates between Seawall Lot 330 and downtown to provide convenient access to work destinations that are located long walking distances from the site. On game days at Pac Bell Park, these two parking lots are used for ballpark parking. Tour buses from the Fisherman's Wharf area also use the Pier 30-32 parking lot as a staging and parking area while their passengers are touring Fisherman's Wharf.

Vehicles enter the Pier 30-32 parking lot from The Embarcadero at the east approach to the Bryant Street intersection. There is also a curb cut and vehicle access point at the south side of Pier 30-32. Vehicles currently enter Seawall Lot 330 on Bryant Street between Main and Beale Streets. As a result of the proposed project, the existing parking spaces would be eliminated, but a total of 800 spaces would be provided in the project's parking garages. The driveway for Pier 30-32 would remain at the Bryant Street intersection. The driveway for Seawall Lot 330 would be moved to Beale Street.

### Off-Street Parking Facilities

According to the *South of Market Parking Study*,[11] the larger South Beach/China Basin area has approximately 4,640 parking spaces within off-street parking facilities. These were reported to be 90 percent occupied during the midday and 59 percent occupied during the evening.

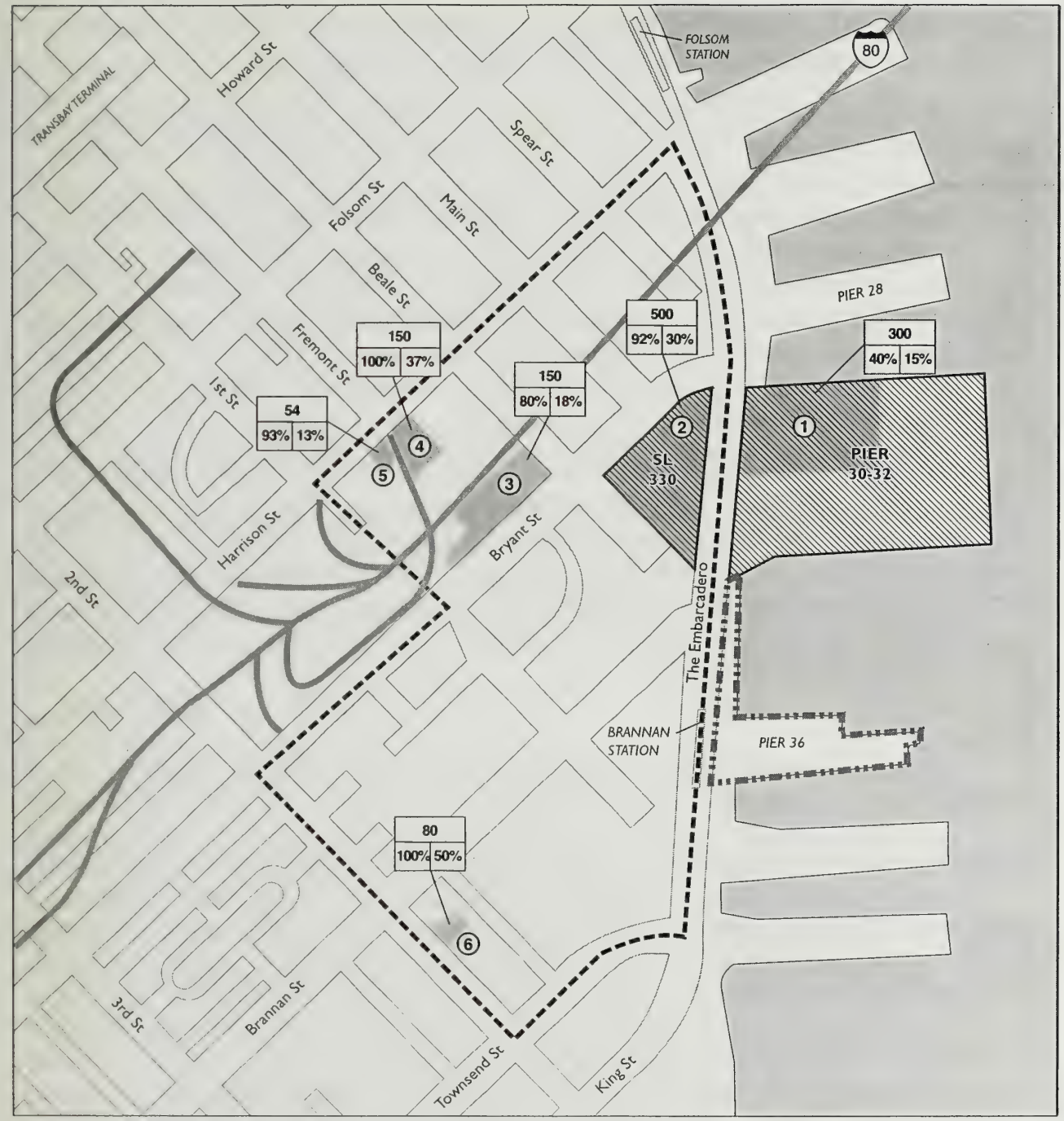
There are six public off-street parking facilities (surface lots) within the parking study area including the facilities that occupy the project site (see Figure 30). Collectively these facilities can accommodate about 1,265 automobiles. The midday and evening occupancy of these facilities were surveyed on January 31 and February 8, 2001, respectively. During the midday (1:00 to 3:30 p.m.), five of the six parking lots were between 80 to 100 percent occupied. This is consistent with the findings of the *SOMA Parking Study*. In contrast, the parking facility on Pier 30-32 was about 40 percent occupied (parking on piers was not included in the SOMA study). Collectively, the midday occupancy of all the facilities in the project vicinity was 78 percent. During the evening (6:00 to 8:00 p.m.), the occupancy of the six facilities ranged from 13 to 50 percent, which yielded a collective occupancy of 26 percent.[12]

### On-Street Parking Facilities

On-street parking is permitted on all streets within the parking study boundary. There is a combination of metered and non-metered spaces. Some non-metered spaces require residential permits for parking over two hours. Parking is prohibited at all times on sections of The Embarcadero (east side between Brannan and Townsend Streets) and Bryant Street (between The Embarcadero and Main Street and on the north side between Beale and Rincon Streets). On weekdays between 4:00 to 7:00 p.m., parking is prohibited on the east side of Second Street between Brannan and Bryant Streets. On weekdays between 4:00 and 6:00 p.m. parking is prohibited on the north side of Bryant Street between Second Street and the

[11] *South of Market Parking Study*, San Francisco Department of Parking and Traffic, August 21, 2000.

[12] The difference in evening occupancy may be attributed to seasonal differences. The SOMA counts were conducted in fall of 1999 while the Bryant Street Cruise Terminal counts were conducted in winter 2001.




*SF Cruise Terminal Mixed-Use Project and Brannan Street Wharf Project* ■

SOURCE: The Duffey Company

**Figure 30**
Off-Street Parking Facilities and Occupancy

I-80 on-ramp at Sterling Street. These restrictions open up an extra curb lane on Second and Bryant Streets to facilitate vehicular access to the I-80 Sterling Street on-ramp.

According to the *SOMA Parking Study*, the larger South Beach/China Basin area has approximately 2,240 on-street parking spaces. The weekday occupancy of these spaces was reported at 97 percent in the midday and 58 percent in the evening. The midday and evening occupancy of on-street parking spaces within the project study area were collected on January 31 and February 8, 2001, respectively. The midday occupancy was observed at 95 percent, which is consistent with the findings of the *SOMA Parking Study*. The evening occupancy was observed at 85 percent. In contrast to the larger South Beach/China Basin area, the project study area has a concentration of residential uses and restaurants, which results in a higher evening demand for on-street parking spaces.

### *PEDESTRIANS/BICYCLES*

There is moderate to light pedestrian traffic in the project vicinity. On a daily basis there is pedestrian traffic along the streets within the residential neighborhoods of South Beach and Rincon Point. There is also recreational pedestrian use of the stretch of The Embarcadero between Pac Bell Park and the northern waterfront area. On days when events take place at Pac Bell Park, there is heavy pedestrian traffic in the project area, particularly on King Street and along north-south streets that lead to the regional transit connections. Sidewalks range from seven to 25 feet in width. Bicycle routes serving the area are indicated on Figure 28, above.

## IMPACTS

### *SIGNIFICANCE CRITERIA*

In San Francisco, a project typically is considered to have a significant effect on the environment under the Existing Plus Project condition if: the existing intersection service level would deteriorate from an acceptable level to an unacceptable level (from LOS D[13] or better to LOS E or F); the existing intersection service level would deteriorate from LOS E to LOS F; or if intersection delays are substantially increased for an intersection already operating at LOS F. Under the Cumulative 2020 condition, for intersections that are operating at LOS E or F and where the project contribution to cumulative growth would be five percent or greater, the project contribution to the traffic volumes at the critical movements[14] are evaluated further. Based on the additional analysis, when it is determined that the project contribution to a critical movement would be substantial, the project impact would be considered significant.

[13] Level of service (LOS) analysis provides a standardized means of rating an intersection's operating characteristics on the basis of traffic volumes, intersection capacity and delays. LOS A represents free-flow conditions, with little or no delay, while LOS F represents congested conditions, with extremely long delays; LOS D (moderately high delays) is considered the lowest acceptable level in San Francisco.

[14] The critical movement for each signal phase consists of the opposing movements with the highest volume to capacity ratio. In this analysis, the project impact is considered substantial if project contributions to cumulative volumes and growth exceed five percent, the critical movements with project related traffic volumes are operating at a LOS E or F, and delays increase significantly at the critical movement.

The City has not formally adopted significance criteria for potential impacts related to transit, but City policy has been that a project would have a significant effect if it would cause a substantial increase in transit demand that cannot be accommodated by existing or proposed transit capacity, resulting in unacceptable levels of transit service.

Regarding parking, *General Plan* policies emphasize the importance of public transit and discourage the provision of facilities that encourage automobile use. Further, a parking shortfall relative to demand is considered to be a social effect and does not, in and of itself constitute a physical impact on the environment, as defined by CEQA. Faced with parking shortages, drivers generally seek and find alternative parking facilities or shift to different modes of travel. However, secondary effects of a parking deficit could lead to physical environmental impacts such as increase traffic congestion and air pollution. Such secondary effects have been analyzed as part of the transportation analysis summarized here. Therefore, the creation of or increase in parking demand resulting from a proposed project that cannot be met by existing or proposed parking facilities would not itself be considered a significant effect.

For pedestrian or bicycle impacts in this analysis, the project would have a significant effect if it were to result in substantial pedestrian overcrowding, create particularly hazardous conditions for pedestrians or bicyclists, or otherwise substantially interfere with pedestrian and bicycle accessibility. Generally, construction-period transportation impacts would not be considered significant because they would be temporary.

### *IMPACT ANALYSIS*

Project-specific impacts are described here, as are projected cumulative impacts for the year 2020. Because the project vicinity includes a number of projects that are currently under construction, under review, or already approved but not yet built, this analysis also describes cumulative impacts for conditions that are anticipated to exist in the project vicinity if all of these projects are completed. As mentioned above, because the project would include some program components that would operate consistently throughout the year and others that would be episodic during distinct portions of the year, this discussion includes Base Case, Cruise Season and Off-Season analyses of Existing Plus Project and Cumulative conditions.

Subsequent to the preparation of the transportation analysis, the office component of the project description was reduced from 460,000 gsf to 370,000 gsf to comply with legislative restrictions imposed by AB 1389 (described above in III.A, Land Use, Plans, and Policies). The resulting reduction in person trips generated from the project would be approximately two percent during the PM peak hour, six percent during the AM peak hour, and one percent during the Weekend peak hour. Therefore, the transportation analysis presents a slightly more conservative assessment of the transportation impacts than would actually be expected to result from the proposed project and is a valid analysis for the revised project.

## Travel Demand Analysis

As indicated in Table 2, the project would generate about 45,382[15] net new person trips per day under Base Case conditions, 54,382 during the Cruise Season, and 48,982 during the Off-Season. The AM, PM, and Weekend peak hour person trip generation estimates for each proposed land use are summarized in Table 3. The project would generate the greatest number of person trips, 5,497, during the PM peak hour of the Off-Season (11% of total daily trips), slightly more than the 5,491 person trips and 5,445 person trips (both 9% of daily trips) during the Cruise Season PM peak and Weekend peak hours, respectively. Base Case condition person trips would be 5,011 during the PM peak (11% of daily trips).

**TABLE 2**
**DAILY PERSON TRIPS FOR PROPOSED USES**

| Land Use | Unit of Measure | Proposed Size | Daily Trip Rate | Daily Person Trips | Adjusted Daily Person Trips |
|---|---|---|---|---|---|
| Office | 1000 gross sq. ft. | 460,000[1] | 18.10 | 8,326 | 7,493 |
| Retail | 1000 gross sq. ft. | 103,000 | 150.00 | 15,450 | 13,905 |
| Grocery | 1000 gross sq. ft. | 15,800 | 300.00 | 4,740 | 4,266 |
| Restaurant | 1000 gross sq. ft. | 46,200 | 200.00 | 9,240 | 8,316 |
| Entertainment/Jazz Club | 1000 gross sq. ft. | 25,000 | 308.00 | 7,700 | 6,930 |
| Cinema | Seats | 1,300 | 1.13 | 1,469 | 1,322 |
| Residential | Dwelling units | 350 | 10.00 | 3,500 | 3,150 |
| **TOTAL Base Case** | | | | **50,425** | **45,382** |
| Cruise Terminal | Passengers | 3,000 | 3.00 | 9,000 | 9,000 |
| **TOTAL Cruise Season** | | | | **59,425** | **54,382** |
| Assembly/Event | 1000 gross sq. ft. | 20,000 | 200.00 | 4,000 | 3,600 |
| **TOTAL Off-Season** | | | | **54,425** | **48,982** |

1 As mentioned above, for purposes of this analysis, the Cruise Terminal project was assumed to include 460,000 gsf of office space rather than 370,000 gsf.

SOURCE: The Duffey Company from *Interim Transportation Impact Analysis Guidelines for Environmental Review*, Interim Edition, San Francisco Planning Department, January 2000; Institute of Traffic Engineers (ITE) 6th Edition Trip Generation Manual, 1977, Korve Engineering San Francisco and Los Angeles Cruise Terminal Trip Generation Studies, April/May 2000.

15 As explained on in Section 3.1 of the Transportation Impact Study, this figure represents a ten percent adjustment made for linked trips. All subsequent figures discussed in this section are similarly based on the adjusted calculations.

**TABLE 3**
**PROPOSED PROJECT PERSON TRIPS - AM, PM, AND WEEKEND PEAK HOURS**

| Land Use | AM Peak Hour | | PM Peak Hour | | Weekend Peak Hour | |
|---|---|---|---|---|---|---|
| | % of Daily | Person Trips | % of Daily | Person Trips | % of Daily | Person Trips |
| Office | 8.9% | 667 | 8.5% | 637 | 3.7% | 277 |
| Retail | 2.5% | 348 | 9.0% | 1,251 | 11.6% | 1,613 |
| Grocery | 2.3% | 98 | 8.0% | 341 | 13.9% | 593 |
| Restaurant | 1.5% | 125 | 13.5% | 1,123 | 12.0% | 998 |
| Entertainment/Jazz Club | 1.5% | 104 | 13.5% | 936 | 12.0% | 832 |
| Cinema | 0.0% | 0 | 13.5% | 178 | 18.0% | 238 |
| Residential | 15.5% | 488 | 17.3% | 545 | 8.4% | 264 |
| **TOTAL Base Case** | | **1,830** | | **5,011** | | **4,815** |
| Cruise Terminal | 4.7% | 420 | 5.3% | 480 | 7.0% | 630 |
| **TOTAL Cruise Season** | | **2,250** | | **5,491** | | **5,445** |
| Assembly/Event (off-season) | | | 13.5% | 486 | | |
| **TOTAL Off-Season** | | | | **5,497** | | |

SOURCE: The Duffey Company from *Interim Transportation Impact Analysis Guidelines for Environmental Review*, San Francisco Planning Department, January 2000; Institute of Traffic Engineers (ITE) 6th Edition *Trip Generation Manual*, 1977, Korve Engineering *San Francisco and Los Angeles Cruise Terminal Trip Generation Studies*, April/May 2000.

During the PM peak hour, the largest trip generating uses would be the general retail, entertainment space, and restaurants. Relative to the PM (weekday) peak hour, during the Weekend peak hour the project would generate approximately the same number of person trips during the Cruise Season and approximately 4% fewer trips under Base Case conditions. The number of trips generated during the AM peak hour would be substantially fewer, with approximately forty percent the number of trips during the Cruise Season and approximately one third the number of trips under Base Case conditions, when compared to the PM peak hour.

The net peak hour vehicle trips generated by the project are summarized in Table 4. The greatest number of net new vehicle trips would be generated during the Cruise Season Weekend peak hour. The net new vehicle trips are at the highest level during the weekend as the lowest level of current trip activity occurs at the site's parking lots during the Weekend peak hour. The next highest number of net new vehicle trips would occur during the weekday PM peak hour of both the Cruise Season and Off-Season. Under Base Case conditions, slightly fewer net new trips would occur during the weekday PM peak hour. This trip activity would coincide with the existing congested PM peak hour commute.

**TABLE 4**
**NET PEAK HOUR VEHICLE TRIPS FOR THE PROPOSED PROJECT**

| | Net AM Peak Hour Vehicle Trips | Net PM Peak Hour Vehicle Trips | | | Net Weekend Peak Hour Vehicle Trips |
|---|---|---|---|---|---|
| | Cruise Season | Base Case | Cruise Season | Off-Season | Cruise Season |
| San Francisco | 64 | 303 | 340 | 340 | 433 |
| *Northeast SF* | *9* | *62* | *75* | *68* | *111* |
| *Northwest SF* | *17* | *85* | *94* | *96* | *117* |
| *Southeast SF* | *24* | *95* | *105* | *107* | *126* |
| *Southwest SF* | *14* | *61* | *66* | *69* | *79* |
| East Bay | 26 | 83 | 94 | 94 | 112 |
| North Bay | 16 | 63 | 67 | 71 | 76 |
| South Bay | 43 | 109 | 117 | 119 | 130 |
| Other | 31 | 109 | 121 | 120 | 163 |
| **TOTAL** | **180** | **667** | **739** | **744** | **914** |

SOURCE: The Duffey Company

## Traffic Impacts

Under existing conditions, of the eleven signalized and two unsignalized intersections studied, only the intersection of Harrison/First currently operates at an unacceptable level (LOS F) in the PM peak hour. The intersections of The Embarcadero/Howard, The Embarcadero/Folsom, The Embarcadero/Bryant Harrison/Main, Harrison/Fremont, Second/King, and Third/King currently operate at LOS D, while all other study intersections operate at LOS B or C in the PM peak hour. In the AM peak hour, all of the seven signalized intersections studied operate at an acceptable level (LOS D). During the Weekend peak hour, six of the seven intersections studied operate at LOS B, while Third/King operates at LOS C.

The *1994 Highway Capacity Manual* methodology was used to analyze the study intersections for two future scenarios: Existing Plus Project and Cumulative 2020. The Base Case, Cruise Season, and Off-Season conditions were analyzed for these future scenarios in the PM peak hour. The Cruise Season condition was analyzed for the future scenarios in the AM and Weekend peak hours. Traffic impacts directly related to the proposed project are assessed in the Existing Plus Project scenario. For the Cumulative analysis, a one percent growth rate per year was applied to the existing (2000) traffic volumes at each study intersection. Adjustments were made at each intersection, as required, to ensure that project related trips were included in the Cumulative 2020 analysis.

Impacts were assessed primarily for the PM peak hour (weekday), as that would be the period during which there would be the greatest potential for project-related impacts. For relevant intersections, the AM peak hour (weekday) and Weekend peak hour conditions were also studied. All three peak hour conditions are presented below. An additional qualitative analysis of traffic conditions on a game day at

Pacific Bell Park and additional analyses of conditions with either multiple ships berthed at the site (Cruise Season) or a large event occurring at the cruise terminal (Off-Season) are also provided.

### *Weekday PM Peak Hour*

The weekday PM peak hour was evaluated for the Base Case, Cruise Season, and the Off-Season conditions. Table 5 provides the intersection levels of service for existing and future project conditions during the Weekday PM peak hour.

**Existing Plus Project**. Under all three conditions, five intersections would operate at LOS E or F with the implementation of the project. The intersections of Second/King and Third/King would deteriorate from LOS D under Existing Conditions to LOS E. The intersections of The Embarcadero/Bryant and Harrison/Fremont would deteriorate from LOS D under Existing Conditions to LOS F. The intersection of Harrison/First would continue to operate at LOS F as it does under Existing Conditions, but delays would increase substantially with the implementation of the project. As such, the proposed project would result in significant traffic impacts at all five of these intersections under all conditions in the PM peak hour.

Implementation of measures that would widen and realign the intersection of The Embarcadero/Bryant Street to add a third travel lane to the eastbound approach (see Chapter IV, Mitigation Measure C.1a) and that would modify the southbound traffic signal at that intersection so that the left-turn movement would have a green arrow instead of a flashing yellow left-turn signal (Measure C.1b) would reduce delays slightly, but unacceptable (LOS F) conditions caused by the project during the PM peak hour would remain. The additional lane would separate through traffic from the turning movements, but would not be able to adequately facilitate the high volume of vehicles turning onto The Embarcadero during PM peak hour. Therefore, even with mitigation, the proposed project would result in a significant impact at this intersection during the PM peak hour.

Because of the configurations of each of the other four intersections that restrict their modification to accommodate additional capacity, no specific measures that would modify those intersections are provided. It is recommended, however, that a Transportation Demand Management (TDM) program (identified as Mitigation Measure C.2) be implemented to reduce potential automobile trips to and from the project site, and to reduce related impacts, such as the demand for parking. The project sponsor is proposing to implement such a program (included in the Transportation Impact Study as Appendix H) to encourage the use of alternative travel modes. A second general measure (Mitigation Measure C.3) is recommended that would require the project sponsor to contribute to the Department of Parking and Traffic's Intelligent Transportation Management System program to install changeable message signs, video cameras, and other traffic flow control devices. Implementation of these programs would not reduce the impact at any intersection to a less than significant level.

## TABLE 5
## INTERSECTION LEVEL OF SERVICE – WEEKDAY PM PEAK HOUR

| Intersection (Signalized unless otherwise noted) | Existing | | | Season | Existing Plus Project | | | Cumulative 2020 | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Delay | LOS | V/C | | Delay | LOS | V/C | Delay | LOS | V/C | Proj.% Total Vol. | Proj.% Cumul. Growth |
| ***Signalized Intersections*** | | | | | | | | | | | | |
| The Embarcadero/Howard | 27.5 | D | | Base | 38.4 | D | -- | **49.6** | **E** | **0.79** | **3.1%** | **19.3%** |
| | | | | Cruise | 39.8 | D | -- | **49.6** | **E** | **0.79** | **3.5%** | **21.6%** |
| | | | | Off | 40.0 | D | -- | **49.6** | **E** | **0.79** | **3.5%** | **21.7%** |
| The Embarcadero/Folsom | 25.5 | D | | Base | 34.6 | D | -- | **47.0** | **E** | **0.87** | **1.8%** | **8.4%** |
| | | | | Cruise | 35.7 | D | -- | **47.0** | **E** | **0.87** | **2.0%** | **9.2%** |
| | | | | Off | 35.8 | D | -- | **47.0** | **E** | **0.87** | **2.0%** | **9.3%** |
| The Embarcadero/Harrison | 16.3 | C | | Base | 18.0 | C | -- | 25.8 | D | -- | -- | -- |
| | | | | Cruise | 18.2 | C | -- | 25.8 | D | -- | -- | -- |
| | | | | Off | 18.2 | C | -- | 25.8 | D | -- | -- | -- |
| The Embarcadero/Bryant | 32.3 | D | | Base | **>60.0** | **F** | **1.09** | **>60.0** | **F** | **1.33** | **11.6%** | **43.4%** |
| | | | | Cruise | **>60.0** | **F** | **1.18** | **>60.0** | **F** | **1.39** | **12.7%** | **45.8%** |
| | | | | Off | **>60.0** | **F** | **1.17** | **>60.0** | **F** | **1.38** | **12.7%** | **45.8%** |
| The Embarcadero/Brannan | 22.1 | C | | Base | 31.6 | D | -- | **41.2** | **E** | **0.86** | **8.8%** | **49.6%** |
| | | | | Cruise | 33.2 | D | -- | **41.3** | **E** | **0.86** | **9.6%** | **53.0%** |
| | | | | Off | 33.0 | D | -- | **41.3** | **E** | **0.87** | **9.7%** | **53.3%** |
| Harrison/Main | 28.1 | D | | Base | 29.4 | D | -- | **>60.0** | **F** | **0.95** | **7.5%** | **35.5%** |
| | | | | Cruise | 29.4 | D | -- | **>60.0** | **F** | **0.96** | **8.4%** | **38.2%** |
| | | | | Off | 29.4 | D | -- | **>60.0** | **F** | **0.96** | **8.4%** | **38.2%** |
| Harrison/Fremont | 38.7 | D | | Base | **>60.0** | **F** | **0.98** | **>60.0** | **F** | **1.01** | **6.9%** | **39.7%** |
| | | | | Cruise | **>60.0** | **F** | **1.00** | **>60.0** | **F** | **1.02** | **7.7%** | **44.1%** |
| | | | | Off | **>60.0** | **F** | **1.00** | **>60.0** | **F** | **1.02** | **7.7%** | **43.9%** |
| Harrison/First | **>60.0** | **F** | **1.25** | Base | **>60.0** | **F** | **1.28** | **>60.0** | **F** | **1.41** | **2.6%** | **16.1%** |
| | | | | Cruise | **>60.0** | **F** | **1.28** | **>60.0** | **F** | **1.41** | **3.0%** | **18.5%** |
| | | | | Off | **>60.0** | **F** | **1.28** | **>60.0** | **F** | **1.41** | **2.9%** | **18.3%** |
| Second/King | 31.7 | D | | Base | **42.6** | **E** | **0.87** | **59.8** | **E** | **0.94** | **5.9%** | **36.9%** |
| | | | | Cruise | **44.3** | **E** | **0.87** | **59.8** | **E** | **0.94** | **6.5%** | **40.4%** |
| | | | | Off | **44.3** | **E** | **0.87** | **59.8** | **E** | **0.94** | **6.5%** | **40.4%** |
| Third/King | 36.2 | D | | Base | **44.7** | **E** | **0.97** | **>60.0** | **F** | **1.06** | **4.3%** | **27.1%** |
| | | | | Cruise | **45.9** | **E** | **0.97** | **>60.0** | **F** | **1.06** | **4.7%** | **29.7%** |
| | | | | Off | **45.7** | **E** | **0.97** | **>60.0** | **F** | **1.06** | **4.7%** | **29.7%** |
| Fourth/King | 22.0 | C | | Base | 26.3 | D | -- | **41.7** | **E** | **0.82** | **3.9%** | **24.3%** |
| | | | | Cruise | 26.7 | D | -- | **41.7** | **E** | **0.82** | **4.2%** | **26.4%** |
| | | | | Off | 26.8 | D | -- | **41.7** | **E** | **0.82** | **4.2%** | **26.5%** |
| ***Unsignalized Intersections*** | | | | | | | | ***Signalized Intersections*** | | | | |
| Bryant/Main | 6.8/8.8 | B/B | | Base | 6.4 | B | -- | 6.7 | B | -- | -- | -- |
| | | | | Cruise | 6.4 | B | -- | 6.7 | B | -- | -- | -- |
| | | | | Off | 6.4 | B | -- | 6.7 | B | -- | -- | -- |
| Bryant/Beale | 9.5/11.2 | B/C | | Base | 12.1 | B | -- | 12.7 | B | -- | -- | -- |
| | | | | Cruise | 12.1 | B | -- | 12.7 | B | -- | -- | -- |
| | | | | Off | 12.1 | B | -- | 12.7 | B | -- | -- | -- |

NOTES: During the Off-season, the cruise terminal would be used for assemblies and events instead of cruise ship operations. Delay expressed as an average delay in seconds per vehicle. For unsignalized intersections, the delay and LOS shown ardor the overall intersection and worst approach (intersection/worst approach). The delay is the average wait that a motorist would experience when traveling through the intersection. The intersections of Bryant/Main and Bryant/Beale were signalized in summer 2001. Because counts for the intersections were conducted prior to signalization, the intersections were analyzed as unsignalized for existing conditions.

SOURCE: The Duffey Company

As such, the project would result in significant unavoidable impacts at The Embarcadero/Bryant, Second/King, Third/King, Harrison/First, and Harrison/Fremont intersections under PM peak hour conditions.

**Cumulative 2020.** Under all conditions, all but three intersections would operate at unacceptable levels during the PM peak hour. The Embarcadero/Harrison would operate at LOS D, while the Bryant/Main and Bryant/Beale intersections would operate at LOS B. The Embarcadero/Howard, The Embarcadero/Folsom, Second/King, The Embarcadero/Brannan, and Fourth/King intersections would all degrade from an acceptable level under existing conditions (the first three from LOS D, the latter two from LOS C) to operate at LOS E. Of the remaining five intersections, all of which would operate at LOS F, only the Harrison/First intersection currently operates at an unacceptable level (LOS F).

Further assessment of the project-related impacts to these intersections determined the project contribution to total cumulative traffic volumes and the project contribution to the traffic growth between the Existing and Cumulative conditions (see the last two columns of Table 5). The proposed project would contribute approximately two to thirteen percent of total volumes at all ten intersections that would operate at an unacceptable level. The project would contribute over eight percent of the cumulative growth at each of these intersections. Based on an analysis of the critical movements, the project would contribute more than 35 percent of the growth to the critical movements at eight of the ten of these intersections, including: The Embarcadero/Howard, The Embarcadero/Folsom, The Embarcadero/Bryant, The Embarcadero/Brannan, Harrison/Fremont, Harrison/First, Second/King, and Third/King. As such, the proposed project would result in significant cumulative traffic impacts at these eight study area intersections.

Implementation of Mitigation Measure C.4, which would add a third travel lane to the eastbound approach of the intersection of The Embarcadero/Howard, would improve operational conditions at that intersection from LOS F to E, but would not reduce impacts to a less than significant level.

As under Existing Plus Project conditions, no operational improvements were identified to mitigate the project contributions to significant impacts at The Embarcadero/Folsom, The Embarcadero/Brannan, Harrison/Fremont, Harrison/First, Second/King, and Third/King intersections because the existing street configuration along The Embarcadero and at intersections along King and Harrison Streets are restricted and cannot be modified to accommodate additional capacity without compromising the pedestrian environment or transit facilities and service. The implementation of improvements identified in Mitigation Measure C.1 to The Embarcadero/Bryant intersection would improve conditions during the PM peak hour, but not to an acceptable level of service. Similarly, and as would be the case for Existing Plus Project conditions, implementation of Mitigation Measures C.2 and C.3 would not reduce impacts to less than significant levels under Cumulative conditions.

As such, the project would result in significant unavoidable impacts at The Embarcadero/Bryant, The Embarcadero/Howard, The Embarcadero/Folsom, The Embarcadero/Brannan, Harrison/Fremont, Harrison/First, Second/King, and Third/King intersections under Cumulative PM peak hour conditions.

### *Weekday AM Peak Hour*

Table 6 provides the intersection levels of service for existing and future project conditions during the Weekday AM peak hour. The AM peak hour was analyzed for the Cruise Season only, as this scenario would generate the greatest number of trips in the AM peak hour.

**TABLE 6**
**INTERSECTION LEVEL OF SERVICE –WEEKDAY AM PEAK HOUR, CRUISE SEASON**

| Intersection | Existing | | | Existing Plus Project | | | Cumulative 2020 | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Delay | LOS | V/C | Delay | LOS | V/C | Delay | LOS | V/C | Proj. % of Total Vol. | Proj. % of Cumul. Growth |
| The Embarcadero/Folsom | 35.6 | D | -- | 33.9 | D | -- | **>60.0** | **F** | **0.95** | -0.3% | -1.3% |
| The Embarcadero/Harrison | 34.8 | D | -- | 37.7 | D | -- | **>60.0** | **F** | **1.02** | 0.6% | 3.6% |
| The Embarcadero/Bryant | 34.1 | D | -- | **>60.0** | **F** | **0.89** | **>60.0** | **F** | **0.97** | **2.0%** | **10.4%** |
| The Embarcadero/Brannan | 27.0 | D | -- | 30.2 | D | -- | **>60.0** | **F** | **0.91** | **2.8%** | **17.3%** |
| Harrison/Fremont | 32.1 | D | -- | 35.4 | D | -- | **>60.0** | **F** | **0.98** | **1.2%** | **11.7%** |
| Third/King | 39.2 | D | -- | **41.5** | **E** | **0.88** | **>60.0** | **F** | **1.04** | **1.2%** | **7.6%** |
| Fourth/King | 34.9 | D | -- | 36.6 | D | -- | **>60.0** | **F** | **0.98** | **1.9%** | **7.5%** |

NOTES: Delay expressed as an average delay in seconds per vehicle. The delay at The Embarcadero/Folsom decreases with the project due to the estimated reduction of 14 vehicles at that intersection.

SOURCE: The Duffey Company

**Existing Plus Project.** During the Cruise Season, all but two of the study area intersections would continue to operate at acceptable levels of service. The Embarcadero/Bryant intersection would degrade from LOS D to LOS F and the Third/King intersection would degrade from LOS D to LOS E. Although delays would generally increase slightly, operations would remain unchanged (LOS D) at the other five intersections.

As such, the proposed project would result in significant impacts at two intersections during the AM peak hour. Implementation of a mitigation measure that would widen and realign the intersection of The Embarcadero/Bryant Street to add a third travel lane to the eastbound approach (see Mitigation Measure C.1) would reduce delays slightly, but unacceptable (LOS F) conditions caused by the project during the AM peak hour would remain. The additional lane would separate through traffic from the turning movements, but would not be able to adequately facilitate the high volume of vehicles turning onto The Embarcadero during AM peak hour. Therefore, even with mitigation, the proposed project would result in a significant impact at this intersection. Similarly, implementation of a TDM program or contribution to DPT's ITMS program (Mitigation Measures C.2 and C.3) would potentially lessen the delays at these intersections, but not to a less than significant level. Therefore, the project would result in significant unavoidable impacts at the intersections of The Embarcadero/Bryant and Third/King under AM peak hour conditions.

**Cumulative 2020.** In the Cumulative 2020 condition, service levels at all seven intersections would degrade from LOS D to LOS F. The proposed project would contribute minimally (less than three percent) to the total traffic volumes at these intersections, but the project contribution to the cumulative growth in traffic volumes would be greater than five percent at five of the intersections, including: The Embarcadero/Bryant, The Embarcadero/Brannan, Harrison/Fremont, Third/King, and Fourth/King. To determine the significance of the project impacts on this growth, the project's contribution to critical movements at these intersections was analyzed.

Based on an analysis of the critical movements, the project would contribute more than five percent to the critical movements at The Embarcadero/Brannan and Third/King intersections. Because the current configurations at these intersections are restricted and cannot be modified to accommodate additional capacity, no operational improvements were identified to mitigate the project contribution to significant impacts at these intersections. Therefore, the project would result in a significant impact at both intersections. As would be the case for Existing Plus Project conditions, implementation of a TDM program or contribution to DPT's ITMS program (Mitigation Measures C.2 and C.3) would potentially lessen the delays at these intersections, but not to a less than significant level. As such, the project would result in significant unavoidable impacts at the intersections of The Embarcadero/Brannan and Third/King under Cumulative AM peak hour conditions.

### *Weekend Peak Hour*

Table 7 provides the intersection levels of service for existing and future project conditions during the Weekend peak hour. The Weekend peak hour was analyzed for the Cruise Season only, as this scenario would generate the greatest number of trips in the Weekend peak hour.

**TABLE 7**
**INTERSECTION LEVEL OF SERVICE – WEEKEND PEAK HOUR, CRUISE SEASON**

| Intersection (Signalized unless otherwise noted) | Existing | | Existing Plus Project | | | Cumulative 2020 | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Delay | LOS | Delay | LOS | V/C | Delay | LOS | V/C | Proj. % Total Vol. | Proj.% Cumul. Growth |
| The Embarcadero/Howard | 14.9 | B | 16.6 | C | -- | 19.5 | C | -- | -- | |
| The Embarcadero/Folsom | 13.0 | B | 13.8 | B | -- | 15.3 | C | -- | -- | |
| The Embarcadero/Harrison | 10.7 | B | 11.1 | B | -- | 11.9 | B | -- | -- | |
| The Embarcadero/Bryant | 13.6 | B | **>60.0** | **F** | **0.86** | **>60.0** | **F** | **1.01** | **22.0%** | **54.6%** |
| The Embarcadero/Brannan | 12.0 | B | 13.4 | B | -- | 13.8 | B | -- | -- | |
| Third/King | 22.7 | C | 23.0 | C | -- | 33.4 | D | -- | -- | |
| Fourth/King | 14.2 | B | 14.5 | B | -- | 15.5 | C | -- | -- | |

NOTES: During the off-season, the cruise terminal would be used for assemblies and events instead of cruise ship operations. Delay expressed as an average delay in seconds per vehicle.

SOURCE: The Duffey Company

**Existing Plus Project.** The overall traffic conditions at the seven intersections analyzed would be less congested during the Weekend peak hour than during the weekday peaks. With implementation of the proposed project, only one intersection (The Embarcadero/Bryant), which directly serves the project site, would operate at an unacceptable level, degrading from LOS B to LOS F. As such, the proposed project would result in a significant traffic impact at this intersection. Implementation of a mitigation measure that would widen and realign the intersection of The Embarcadero/Bryant Street to add a third travel lane to the eastbound approach (see Mitigation Measure C.1) would improve intersection operating conditions to LOS C, an acceptable level of service. Therefore, with implementation of Mitigation Measure C.1, the proposed project would not result in a significant impact at this intersection.

**Cumulative 2020.** Under the Cumulative 2020 condition, six of the seven intersections would continue to operate at acceptable levels. The Embarcadero/Bryant intersection, however, would degrade from LOS B to LOS F. The project would contribute substantially to both the total traffic volume (22 percent) and the cumulative growth (95 percent at the westbound-through critical movement) at the intersection. As such, in the Weekend peak hour, the project would have a significant impact on The Embarcadero/Bryant intersection.

Like the Existing Plus Project Weekend peak hour condition, implementation of a mitigation measure that would widen and realign the intersection of The Embarcadero/Bryant Street to add a third travel lane to the eastbound approach (see Mitigation Measure C.1) would improve intersection operating conditions to LOS C, an acceptable level of service. Therefore, with implementation of Mitigation Measure C.1, the proposed project would not result in a significant impact at this intersection.

### *Pac Bell Park Game Day Traffic*

The potential for overlapping impacts between the proposed project and games at Pac Bell Park would occur in two different time periods. Games with an early afternoon start that could run beyond 3:30 or 4:00 PM or evening games that could start between 4:00 and 6:00 PM would have the greatest potential for overlapping with the increased peak hour traffic associated with the project.

Previously completed environmental studies for the ballpark noted that the average length of a baseball game was three hours.[16] The Giants have scheduled most afternoon games for an early start time of 12:35 p.m. to ensure that the majority of games would be over before 4:00 p.m. and therefore would not interfere with the afternoon commute. The published schedule for the 2001 Baseball season indicates that two out of 84 home games are scheduled to start at 1:05 and one weekday game is scheduled to start at 4:05 PM. As a result, the number of times when peak traffic to and from the ballpark would be most likely to overlap with the peak commute for the proposed project would be limited.

Since the opening of Pac Bell Park last spring, the San Francisco Department of Parking and Traffic has been monitoring transportation conditions in the vicinity of the ballpark and have observed minor delays

[16] *San Francisco Giants Ballpark at China Basin Final Environmental Impact Report, Volume 1, 96.176E*, June 26, 1997, San Francisco Planning Department.

to traffic during and after weekday and weeknight games.[17] A major campaign was undertaken to encourage baseball game attendees to use alternative means of travel from the private auto to get to the ballpark due to the limited supply of parking provided at or near the site. A mode split study conducted by the Department of Parking and Traffic noted that automobile use was considerably lower than anticipated and attendees took advantage of a high level of transit access to the site. Due to the mode splits achieved, the traffic and parking problems were much less than anticipated at the ballpark.

The key locations experiencing congestion when a game occurs are King Street and Third Street. Eastbound King Street, between Third and Second Streets, is temporarily closed at game times to accommodate the heavy pedestrian flows across King Street to Pac Bell Park.[18] This disrupts direct access from I-280 along King Street and The Embarcadero and requires traffic rerouting north at Third Street. Vehicles queue up west of Third Street on King Street as a result of this street closure. After the game, Third Street south of King Street is congested as traffic is funneled from the parking lots south of the channel across the Third Street Bridge, which becomes temporarily reduced to one travel lane to accommodate pedestrian flows. The capacity constraints at the Third/King intersection further restrict access along the Third Street corridor, so the temporary delays south of the bridge limit traffic flows to the already congested intersection.

Upon implementation of the Cruise Terminal project, increased congestion is expected along King Street at the Second, Third, and Fourth Street intersections. In instances when the Pac Bell Park traffic disruptions would coincide with the PM peak hour, the peak hour congestion along King Street would be compounded. At times when a ball game and a cruise ship docking would overlap in the mid-day, the potential for problems similar to those that currently exist during the afternoon commute period would result. It is anticipated that during these mid-day periods, the congestion experienced at the Second/King and the Third/King intersections would be comparable to the level of congestion currently experienced at these intersections during an afternoon commute period that overlaps with the arrival or departure period for a baseball game.

Based on current schedules, the potential for a midday baseball game to occur on the same day as a cruise ship docking would be ten or fewer days of the year (three percent), although the two events would not necessarily occur at the same time. Furthermore, the chance that Off-Season special events at the Cruise Terminal would overlap with baseball game traffic during the midday would be unlikely, since special events would most likely occur in the evening or outside the baseball and cruise ship seasons. As such, the potential traffic impacts related to these events overlapping would be infrequent and therefore less than significant.

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[17] Telephone conversation with Jerry Robbins, Department of Parking and Traffic, February 26, 2001.

[18] *Fourth Street Bridge Transportation Impact Report*, San Francisco Department of Parking and Traffic, August 2000.

### *Double Ship and Large Event Days*

During the Cruise Season on the occasion when there would be two ships berthed at the project site (fifteen days a year), or in the Off-Season, when there would be a large event occupying 50,000 square feet of the cruise terminal (5 to 10 days a year), additional intersections would deteriorate to LOS E or F under the Existing Plus Project Conditions. When compared to the typical Existing Plus Project Conditions in the PM peak hour, the Harrison/Main intersection would deteriorate from LOS D to LOS F (Cruise Season and Off-Season), the Third/King intersection would deteriorate from LOS D to LOS F (Base Case, Cruise Season, and Off Season), and the Bryant/Main intersection would deteriorate from LOS D (Cruise Season) or LOS C (Off-Season) to LOS E. This would be an increase of three intersections operating at unacceptable levels.

In the Weekday AM peak hour, the Third/King intersection would deteriorate from LOS D to LOS E (Cruise Season), and the intersection of Harrison/Fremont would deteriorate from LOS E to LOS F (Cruise Season). This would result in an increase of two intersections operating at unacceptable levels. In the Weekend peak hour there would be no change in levels of service compared to the typical Cruise Season under the Existing Plus Project Conditions.

These impacts would not be considered significant as they would occur less than seven percent of the days in a year. Similarly, on the up to four days per year (about one percent of the days in a year) when two ships are berthed at the project site and a third ship calls at the Port, the effects would be considered less than significant. In such a scenario, the third ship would embark and disembark at Pier 35, where cruise operations are currently located.

## Transit

The impacts of the proposed project on the regional and local transit systems were determined by measuring level of service at the regional and downtown screenlines. Analysis was conducted for the PM peak hour, which is the most critical period for transit demand.

### *Project Demand*

The proposed project is estimated to generate approximately 1,330 PM peak hour public transit trips during the Base Case condition. The number of trips would increase to approximately 1,400 during the Cruise Season and 1,465 during the Off-Season. The use of the cruise terminal for special events during the Off-Season would tend to attract a more local clientele than would typical cruise terminal activities. These patrons would be more likely to use public transit to get to and from the site and would result in the "worst-case" condition for transit analysis purposes. It is this scenario (Off-Season PM peak hour) that is presented below. In the Off-Season PM peak hour, about 59 percent of the transit trips would have destinations within San Francisco, while the remaining 41 percent would have trip ends at locations outside San Francisco.

### *Regional Transit Impacts*

The implementation of the proposed project would not have an overall significant impact on regional transit service during the PM peak hour. The capacity utilization[19] aggregated for all regional carriers would increase from the existing 72 percent to 73 percent. Individual transit carriers would experience capacity utilization increases of up to three percentage points. The greatest impact would occur on BART transbay service. The BART East Bay service currently has a capacity utilization of 120 percent, which is well below the current 135 percent service standard. With the implementation of the project, the capacity utilization on BART transbay service during the Off-Season is projected to increase to 122 percent, still well below the service standard. Because BART would continue to operate below the service standard, and given the nominal project contribution to the BART ridership and the temporary nature of the impact, the project would not result in a significant regional transit impact.

By 2020, the demand for regional transit service to the East Bay and South Bay during the PM peak hour is expected to increase considerably as a result of general growth in San Francisco and the Peninsula. The addition of new service by the transit carriers is expected to address much of the growth in demand. The projected growth in demand for BART service would increase the PM peak hour capacity utilization of East Bay service to 129 percent in the Off-Season. Part of this growth would result from the commencement of BART service to the San Francisco International Airport and Millbrae stations. The project would contribute about three percent of the cumulative growth to the BART East Bay ridership, which would not be considered a significant impact. The AC Transit buses and East Bay ferries would continue to operate at acceptable levels of service by the year 2020 with capacity utilization of less than 80 percent.

The BART South Bay ridership is expected to increase considerably as a result of the service extension to San Francisco International Airport and Millbrae stations. PM peak hour capacity utilization in the South Bay is expected to increase to 139 percent, which would exceed the 135 percent service standard. BART does not plan to increase capacity unless demand warrants an increase in service. The proposed project would contribute approximately one percent of the cumulative growth to the BART South Bay ridership. Caltrain service in the South Bay would operate at 69 percent of capacity. SamTrans buses are projected to operate at 85 percent of capacity in 2020. As service demands increase, SamTrans policy is to provide additional service to meet growing demand. Given the small project contribution to the cumulative growth, the project would not be expected to result in a significant impact on South Bay transit ridership.

In the North Bay, adequate capacity would be provided on the Golden Gate buses and ferries to accommodate increases in ridership. Golden Gate buses and ferries are expected to operate at 82 and 42 percent capacity, respectively.

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[19] Capacity utilization is the aggregate number of passengers divided by the aggregate design capacity of the transit vehicles. For BART and MUNI, the design capacity includes varying numbers of standees, the number of standees depending on the specific transit vehicle configuration.

### *Local Transit Impacts*

The impacts of the proposed project on the local (MUNI) transit system were determined by measuring level of service at the downtown screenlines (imaginary cordon lines drawn around the greater downtown area for purposes of analyzing MUNI ridership by corridor). With implementation of the project, under Existing Plus Project conditions, the Off-Season capacity utilization at each of the MUNI screenlines would increase by two to seven percent over existing conditions. The greatest percentage increases would occur in southeast San Francisco, where ridership increases would total seven percent across the screenline. Capacity utilization would be highest at 98 percent of capacity on southeast lines other than those along the Mission Street and Third Street corridors. Capacity utilization on the four MUNI screenlines would remain below the 96 percent MUNI service standard. Therefore, there would be no significant MUNI service impacts under Existing Plus Project conditions.

The transit ridership and capacity assessment for the Cumulative 2020 condition is based on year 2020 MUNI ridership projections and includes trips that would be generated by the proposed project.[20] Except at the southeast screenline, MUNI service to the downtown area would operate below the 96 percent MUNI service standard, ranging from 73 percent to 94 percent capacity. Along the southeast screenline, MUNI service would operate at 98 percent of capacity overall and 108 percent of capacity on southeast lines other than those along the Mission Street and Third Street corridors ("Other Lines"). The proposed project would contribute about 17 percent of the cumulative growth to the overall screenline and about 17 percent to the cumulative growth on the "Other Lines." The project's contribution to this screenline would be considered a significant impact under Cumulative conditions.

The Cruise Terminal project would be subject to the Transit Impact Development Fee (TIDF) of $5.00 per square foot of office use, which is imposed for all new development in the downtown area pursuant to Chapter 38 of the San Francisco Administrative Code. Participation in the TIDF program would provide monetary support for improvements to the transit service in the greater downtown area. The Planning Department is currently exploring the potential for an expansion of this fee to other non-residential uses throughout the city. If a new TIDF policy is adopted prior to project approval, the proposed project could be subject to the additional fees. Payment of the TIDF would potentially assist in the improvement of MUNI's provision of additional capacity on the southeast screenline, but would not lessen the project's significant impact to a less than significant level. However, with implementation of identified mitigation (see Chapter IV for Mitigation Measures C.5 and C.6) that would add transit capacity to the southeast screenline and require the project sponsor's coordination with the MUNI Special Events office, the project's contribution to this impact would be reduced to a less than significant level.

### Parking

The proposed project is in the M-2 (Heavy Industrial) zoning district, in which off-street parking is required for all uses. Construction of the proposed project would displace 500 parking spaces on the

[20] Ridership projections to the year 2020 from Wilbur Smith Associates as provided by San Francisco MUNI Capital Planning Department, January 2001.

seawall lot and 300 spaces on Pier 30-32, for a total of 800 spaces. The proposed project includes 450 spaces on Pier 30-32 and 350 spaces on the seawall lot, for a total of 800 spaces.

Based on Planning Code Section 151 requirements, the project would be required to provide 2,021 spaces under Base Case conditions (which would occur about 155 days of the year), 2,081 during the Cruise Season when a ship is berthed at the pier, and 2,112 during the Off-Season when a special event is taking place at the cruise terminal. As such, the greatest shortfall in parking would occur during the Off-Season, when the project would provide 1,312 fewer spaces than are required by the Planning Code. In all cases, however, the parking supply on the seawall lot would meet the parking requirements, which is one space per residential unit.

Pier 30-32 is located in Waterfront Special Use District #1 and Seawall Lot 330 falls within Waterfront Special Use District #3. As authorized by Planning Code Section 240, Section 161(f) of the Planning Code permits the Planning Department or Planning Commission to reduce the off-street parking requirements in Waterfront Special Use Districts #1 and #3 with consideration of a number of criteria that address parking demand, nearby land uses, and freeway accessibility. The project would therefore require an approval of an off-street parking exemption under Section 161(f) for provision of less than Planning Code-required parking at the pier.

Project-generated parking demand would be greatest during the Cruise Season. During the Cruise Season, the standard parking demand would be 1,485 spaces for Pier 30-32 and 449 spaces for the seawall lot, for a total parking demand of 1,934 spaces. When adjusted for shared parking opportunities,[21] the parking demand would be reduced to a total of 1,593 parking spaces, 1,144 spaces on the pier and 449 spaces on the seawall lot.

When estimating the parking shortfall as a comparison of parking demand to supply, the worst-case condition would occur during the Cruise Season when a special event is taking place at the Cruise Terminal, with a total shortfall of 1,134 spaces. For the Off-Season condition, the total parking shortfall would be 950 parking spaces. Under Base Case conditions, the parking demand shortfall would be 868 spaces. Under all conditions, the parking shortfall on Seawall Lot 330 would be 99 spaces and the remaining shortfall would occur on Pier 30-32.

With the proposed mixed-use project, the opportunity for joint use of parking spaces would exist. Joint-use of parking spaces is possible when land uses composing a project have different peaking characteristics and parking spaces are freed up throughout the day as turnover occurs. If shared parking opportunities are taken into account, the parking shortfall could decrease to a total of 660 spaces during Base Case conditions, 793 spaces in the Cruise Season, and 729 spaces in the Off-Season. Under each of these scenarios, a parking shortfall would occur on both the seawall lot and Pier 30-32. The reduction in

[21] In keeping with the Waterfront Special Use District provisions for the reduction of parking requirements, parking reduction factors were applied to the standard calculated parking demand to account for shared parking options presented as part of the proposed mixed-use project. Shared parking calculations were based on *Shared Parking*, Urban Land Institute, 1983 and data specific to cruise terminals supplied by the project sponsor.

overall parking demand assumes that parking on the pier would be available and open for all project users and that spaces would not be reserved for specific tenants. The reduction also assumes that spaces on the seawall lot would be reserved for residential use and therefore were not considered in the calculation for shared parking.

The parking shortfall would be considered a social effect, but not a significant environmental impact. The magnitude of the expected shortfall would have impacts on the surrounding neighborhood by increasing the competition for very limited parking. The parking shortfall would be exacerbated on game days at Pac Bell Park. As there are a limited number of parking spaces available in the project vicinity to accommodate the increased demand and the commuters displaced from the existing parking facilities, there would likely be a shift to transit for trips to the site. The increased congestion projected in the vicinity of the project site would further encourage this shift to transit. This shift to transit would potentially result in reduced traffic delays in the project vicinity, but could result in increasing impacts to the transit system, which is already expected to experience significant cumulative impacts in the southeast corridor.

While the parking shortfall would not be considered significant, the project sponsor proposes to implement a Transportation Demand Management Program (see Mitigation Measure C.2) to reduce the use of vehicles and thus the demand for parking in the study area. By focusing on the reduction of demand for parking, such a program would also reduce the projected congestion associated with the implementation of the project. By reducing the parking demand, the potential impacts in the neighborhood associated with increased competition for a limited parking supply would potentially be minimized. In addition, the project would include improvement measures aimed at reducing the on-site demand for bus parking and at minimizing the potential for queuing on The Embarcadero by vehicles attempting to park in Pier 30-32 garage (see Chapter IV for Improvement Measures C.1, C.2, and C.3).

The Planning Code requires one designated handicapped parking space for each 25 off-street parking spaces provided and one bicycle parking space for each 20 off-street parking spaces provided. Based on the provision of 450 parking spaces on Piers 30-32, 18 handicapped spaces and 23 bicycle parking spaces would be required. Based on the provision of 350 parking spaces on Seawall Lot 330, 14 handicapped spaces and 18 bicycle spaces would be required on-site. In addition, the project sponsor would be required to provide four showers and eight clothes lockers.

The project would provide 19 handicapped spaces on Pier 30-32 and 14 handicapped spaces on the seawall lot. On Pier 30-32, the project would include a secured bicycle parking area on the northern edge of the Bryant Street driveway and adjacent to the public access area on the perimeter of the pier. At lease twenty-three bicycle parking spaces would be accommodated in this area. A shower facility with four showers and eight clothes lockers would also be provided. On the seawall lot, bicycle parking would be provided on the first floor of the residential building behind The Embarcadero south lobby. At least 18 bicycles could be stored in this area. As such, the proposed project would meet the Planning Code requirements for handicapped and bicycle parking, as well as for showers and lockers.

### Truck Loading

Under Planning Code Section 152, the project would be required to provide eleven off-street (standard truck) freight loading spaces, nine on Pier 30-32 and two on the seawall lot. The loading demand generated by the mixed-use project would be 375 daily truck trips during the Cruise Season and 382 during the Off-Season. The peak hour truck trip generation of the proposed project would yield a demand for 18 spaces in the Base Case or 22 spaces in the Cruise or Off-Seasons. The average hourly demand would be 14 spaces under the Base Case, 17 spaces for the Cruise Season, and 18 spaces during the Off-Season.

The project proposes to provide nine truck loading spaces on Pier 30-32 and two loading spaces on the seawall lot to fully meet Planning Code loading requirements. On Pier 30-32, two loading bays would be located along the Bryant Street driveway to the east of the main garage access, an additional four loading bays would be located off the roundabout at the end of the Bryant Street driveway, and one loading bay would be provided at the north end of the cruise terminal. The remaining two loading spaces would be designated on the pier aprons to serve the cruise terminal; one space would be designated on the eastern apron and one space would be designated on the northern apron. On the seawall lot, two loading docks would be provided mid-block off of Bryant Street. Garbage containers would be provided adjacent to the loading docks.

All trucks and buses would enter Pier 30-32 via the main driveway at Bryant Street. There would be space on the pier apron to accommodate loading for the cruise ships when they are in berth. This area would have restricted access when ships are docked at the berths and would function as loading/unloading areas while the ship is being serviced. While one designated loading space would be provided at the northern berth and one designated space at the eastern berth, there would be adequate space to accommodate additional trucks as required to service the ships.

The remaining seven truck loading bays on Pier 30-32 are intended to serve the commercial and office uses. These would be located in three separate dock facilities: one immediately adjacent to the grocery store (2 bays), one at the end of the pier adjacent to the roundabout (four bays), and one dock at the Cruise Terminal (one bay). On-site maneuvering and backing would be required to access the loading bays. Temporary disruption of access to the handicapped parking, passenger drop-off zones, and bus parking would occur when trucks are backing into the loading spaces. The temporary disruption would last for one to two minutes. This could result in temporary traffic back-ups if truck maneuvering occurred during the embarkation or disembarkation of a cruise ship.

During the Off-Season, the nine bus loading spaces fronting the cruise terminal would be used for loading and unloading of goods to service the special events held at this venue. The bus loading spaces at the cruise terminal could also be used to supplement the loading docks provided in the remaining portion of the Pier 30-32 site.

On the seawall lot, the project would provide two loading docks directly accessible from Bryant Street. Truck maneuvering and backing into the loading bays would occur on Bryant Street. This would result in temporary disruption, lasting one to two minutes. During the morning peak hour, this temporary disruption would be expected to result in moderate disruption to traffic flows. During the afternoon peak hour, the potential impacts on traffic disruption would be greater as Bryant Street is used as a secondary access to the Bay Bridge and the Main/Bryant intersection would be expected to experience increased congestion as it is anticipated to serve project trips destined to the Bay Bridge via Main and Harrison Streets. With implementation of identified mitigation (see Chapter IV for Mitigation Measures C.7 and C.8), potential disruptions to traffic due to loading on the seawall lot would not result in any significant effects.

The proposed project would meet the Planning Code requirements for loading facilities. To meet the project demand, the pier aprons would be used for holding and staging of trucks while loading bays are in use. The project would provide adequate on-site loading bays to accommodate delivery of goods to the site. Timing of deliveries to avoid potential conflicts during the peak hours would ensure that the potential impacts related to freight and goods movement at the site are minimized.

### Passenger Loading

While there is no Planning Code requirement for tour bus loading for the project, the project has been designed to accommodate all cruise ship passenger loading activities at Pier 30-32. These provisions were incorporated into the project design to avoid the problems associated with the current cruise terminal operation at Pier 35, where passenger loading and queuing occurs on The Embarcadero north of The Embarcadero/Bay Street intersection when a ship is in port.

The passenger loading zone would be located adjacent to the cruise terminal at the end of the pier between the two berths. A 500-foot long, three-lane driveway would extend from The Embarcadero to the end of the pier where it would transition to a passenger loading and unloading zone for the cruise terminal. When vessels are in port, cruise terminal staff would be positioned at The Embarcadero and Bryant, at the passenger loading zone, and at other key locations on Pier 30-32 to monitor and manage both the cruise terminal traffic and the pedestrian flows to minimize conflicts and ensure a safe and secure pedestrian environment.

Taxis, cars dropping off passengers, and buses would proceed to the passenger unloading at the end of the pier. Two inbound (southeast direction) lanes would provide access to both sides of a central island where 24 spaces (12 on each side) would be designated for passenger loading. A roundabout at the end of the passenger loading area driveway would allow vehicles to turn around and return to the pier exit. The inbound and outbound lanes to the northeast of the central island would provide access to the bus parking area. There would be eight designated bus loading bays adjacent to the cruise terminal, along the northeastern side of the passenger loading zone driveway. When required, the 12 passenger loading spaces across the driveway from the eight bus loading bays could be converted into six additional bus spaces.

During the embarkation of cruise vessels, the greatest demand would be for taxi and passenger car loading and unloading spaces. During that period, both sides of the central island would be available for passenger loading and unloading, for an estimated total of 24 spaces. The nine bus bays would be adequate to accommodate the bus loading demand during embarkation.

The greatest demand for bus passenger loading and unloading would occur during the disembarkation of cruise vessels. Private cars picking up passengers would be required to park in the short-term parking garage on the site, reducing the demand for passenger loading space for private autos, and freeing up additional space for buses in the passenger loading area. During the disembarkation of home berthed vessels, buses would be loading passengers for trips to the airport, while vessels that were not home berthed would be loading passengers for day tours in San Francisco and the Bay Area. During disembarkation, the loading area along the western curb of the outbound drive would most likely be reserved for buses. By providing on-site traffic control, the use of the passenger loading zones would be optimized. Some disembarking cruise passengers may choose to take the MUNI Metro to Market Street and transfer to a BART train destined for San Francisco International Airport (after 2005 when the BART extension is expected to be operating).

During the embarkation or disembarkation period, if the demand for bus parking exceeded the space available on-site, buses would be directed to the Giants parking area south of the Mission Creek Channel. Radio contact would be maintained between the remote parking and Pier 30-32 to deploy buses to Pier 30-32 as space became available on-site. If there were an event at the Ballpark, buses would be redirected to Pier 35.

With the combination of a large on-site passenger loading area, extensive truck loading zones on the pier apron, on-site traffic control during loading and unloading of vessels, and a remote lot for staging, the potential for queuing of traffic back onto The Embarcadero would be minimized. Further, the cruise terminal operations would be substantially improved over the current operations at Pier 35.

During the Off-Season, the passenger loading area would more than adequately serve the special events occurring at the Cruise Terminal without disruption of other traffic circulation on the site or along The Embarcadero. Cars and taxis loading and unloading passengers would use the eastern curb of the inbound driveway as they would during Cruise Season and the western curb of the outbound driveway would also be available for use. The bus bays would be used for buses and trucks serving the site. As such, the proposed project would not result in significant effects associated with passenger loading.

### Bicycle and Pedestrian Conditions

The bicycle trips generated by the proposed project would be all or a portion of the "other" trips made by modes other than auto, transit, or walking. In the PM peak hour, about 390 trips would be generated by modes other than auto, transit, or walking under the Base Case and Cruise Season conditions. The number of "other" trips in the PM peak hour would increase to about 415 in the Off-Season. These trips would represent between seven and eight percent of the total trips generated by the project under all

scenarios. The bicycle trips generated by the proposed project during the Weekend peak hour during the Cruise Season would be approximately 420, representing about 7.5 percent of the total project trips.

Bicyclists would have a high level of accessibility to the site with Class II bike lanes designated along The Embarcadero. While both traffic and bicycle levels would be expected to increase with the implementation of the project, the proposed signal at The Embarcadero/Bryant intersection would minimize the potential conflicts between bicycle and auto or truck traffic. At Pier 30-32, the potential for bicycle and auto turning movement conflicts would be greatest at the unsignalized driveway south of Bryant Street that would serve as secondary access to the site. As with other unsignalized driveways along The Embarcadero, both cyclists and drivers would need to be alert to these potential conflicts. As such, the proposed project would not be expected to result in substantial conflicts between vehicles and bicycles and therefore would not result in a related significant impact.

In the PM peak hour, the proposed project would generate approximately 1,435 walk trips in the Base Case and during the Cruise Season and about 1,580 trips during the Off-Season. In addition, people using transit would approach the project site on foot. Pedestrian access to the site would be primarily along The Embarcadero. With implementation of The Embarcadero Roadway project, a 25-foot promenade was established along the water-side and a 10-foot sidewalk along the inland-side of The Embarcadero. With implementation of the project, the waterfront promenade at the project site would be widened and the existing frontage road would be converted into a broadened pedestrian and open space area between the promenade and the proposed commercial complex. This widened walkway along the water's edge, in combination with a standard sidewalk along the inland roadway, would provide more than enough capacity to meet the pedestrian demands during the peak demand periods.

With increased pedestrian movements at both the Bryant and Brannan Street crosswalks, it would be important to ensure safe pedestrian crossings of The Embarcadero. The signal system that has been installed on The Embarcadero has been timed for pedestrians to safely cross the broad roadway in one cycle. The Bryant Street driveway proposed as part of the project would result in a large increase in traffic crossing The Embarcadero promenade at Bryant Street. To ensure that the potential conflicts between pedestrians and signal controlled vehicle movements at this location would not result in hazardous conditions, a pedestrian warning system and a pedestrian countdown signal should be incorporated into the project design (see Mitigation Measures C.9 and C.10 in Chapter IV). With implementation of these mitigation measures, the project would not result in any significant effects related to pedestrian safety.

Access to the MUNI Metro stop just south of Brannan Street would also be important for pedestrians coming to and leaving the project. Pedestrians would walk along The Embarcadero, either on the land side or the water side, and cross into the median at the Brannan Street crosswalk or at the mid-block signalized crossing at the Brannan Street Station.

The internal pedestrian circulation system for Pier 30-32 has been designed to promote access to the water's edge and ease of access from The Embarcadero and the pier edge to the public spaces on the site.

Public access would be allowed along the entire perimeter of the pier except when a ship is in port. During the periods when ships are being serviced at the terminals, access would be restricted for security and safety reasons.

As such, the proposed project would not result in substantial conflicts between vehicles and pedestrians and therefore would not result in a related significant impact.

### Construction Impacts

The construction period for the proposed residential project on the seawall lot would be expected to last approximately 19 months and would begin in April of 2002. The initiation of construction on Pier 30-32 would lag by approximately two months, starting in June of 2002 and lasting approximately 25 months.

The greatest number of construction workers expected on the project site would occur during the six month period when construction of the superstructure on Pier 30-32 would overlap with the finish work on the seawall lot. The maximum number of construction workers anticipated during this period would be 385, with the average number of construction workers on-site at 325.

The most concentrated truck activity would occur during the two month period when site clearance activity on Pier 30-32 would overlap with foundation work on the seawall lot. During this phase, a maximum number of 145 trucks would travel to the site each day. The average truck activity to the site would be 77 trips during this two-month phase. This activity could be reduced if construction materials, such as new pilings, were to be delivered to the site by barge.

Trucks would be expected to travel between the site and I-280 via The Embarcadero and King Street. Trucks traveling between the site and the Bay Bridge would use The Embarcadero and Harrison Street. Construction materials would be delivered to and staged at the site on an as-needed basis. Piles delivered early to the site would be stored on the existing pier deck. Adjacent to Pier 30-32, sidewalk protection would be provided for pedestrians along The Embarcadero during construction. Along the seawall lot, the sidewalks along Bryant and Beale Streets would be closed for the duration of construction. A protective sidewalk covering would be provided along The Embarcadero. No extended loss of parking lanes or relocation of transit stops would be anticipated. Temporary lane closures of limited duration would possibly be necessary for the delivery of goods to the project site.

Construction impacts would likely inconvenience employees, residents, and visitors to the area, but are typical in an urban setting and would be temporary in nature. For these reasons, construction period impacts would not be considered significant. Although construction-related impacts would be less than significant, see Chapter IV for Improvement Measures C.4, C.5, and C.6, which have been provided to minimize transportation disruption during the construction period.

## BRANNAN STREET WHARF PROJECT IMPACT ANALYSIS

The proposed Brannan Street Wharf project would involve only some pier and wharf removal and the creation of open space. As an open space that would be situated in a dense urban context, the Brannan Street Wharf park would function as an accessory amenity to the surrounding residential, office, and entertainment/recreational uses (including Pac Bell Park) and would not be considered an independent generator of trips. Most persons destined for the Brannan Street Wharf would come from neighboring uses and would walk, bicycle, take transit, or use modes other than automobiles. As such, the trips associated with the Wharf project's open space were accounted for in the trip generation of other project uses and would not affect traffic patterns, intersection levels of service, or transit service levels.

The Brannan Street Wharf project would result in the loss of Pier 36 that is currently used in part for truck parking by Delancey Street Movers. The Delancey Street Movers would be forced to find an alternate location for parking its vehicles on another property in the general vicinity. While this would likely be an inconvenience to this tenant, it would not result in a substantial increase in the demand for parking in the area. Removal of Pier 36 would not be considered to reduce the off-street parking supply in the vicinity since it is not used for public parking. The Brannan Street Wharf project would have little or no effect on parking demand in the area, since most visitors to the project would come from the adjacent uses. Like the proposed project, any potential contribution to the existing shortfall of parking within the project vicinity or in greater San Francisco would not be considered a significant impact. As such, the Wharf project would have not a significant impact on traffic, circulation, or parking.

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# D. HYDROLOGY AND WATER QUALITY

## SETTING

### *WATER FEATURES AND DRAINAGE*

Situated just south of the Bay Bridge along the shoreline directly adjacent to San Francisco Bay, the Cruise Terminal project site is composed of two separate properties: Pier 30-32 to the east of The Embarcadero, and to the west of The Embarcadero, Seawall Lot 330. The proposed Wharf project would involve construction of the Brannan Street Wharf, a public open space along the waterfront south of Pier 30-32, after demolition of Pier 36. The project sites lie within the Northeast Drainage Basin of the City's drainage system. This area of the City receives average annual precipitation of about 21 inches.

Freshwater flow to the Bay from San Francisco has almost entirely been diverted to the City's combined sewer and stormwater system. Nearly all of the City drains to the combined sewer system, although some piers and adjacent areas along the waterfront drain directly to the Bay. Therefore, Seawall Lot 330 currently drains to the City's combined sewer system, while Pier 30-32, Pier 36 and the marginal wharf drain by sheetflow to the Bay. During wet weather, the portion of the Bay adjacent to the project area[22] receives surface inflow from stormwater runoff from the piers and waterfront sites as well as from combined sewer overflow structures, as discussed below.

### *COMBINED SEWER OVERFLOWS*

The City is almost entirely served by a combined sewage system that collects and transports both sanitary sewage and stormwater runoff in the same set of pipes. Most natural drainage and stream flow in the City is also diverted to the combined sewer system. During dry weather, wastewater flows consist mainly of municipal and industrial wastewater, whereas during wet weather, the volume of wastewater flows greatly increases due to the addition of rainfall and stormwater runoff. The City's system collects and treats the combined stormwater and wastewater flow prior to discharge through various outfalls and overflow structures along the City's perimeter.

On the east side of the City, the combined sewer flows are transported to the Southeast Water Pollution Control Plant, on Phelps Street, for treatment, and then discharged to the Bay. During dry weather, all wastewater flows are treated to a secondary level[23] at the Southeast Plant and discharged to the Bay through the deep water outfall at Pier 80. During rainfall events, the additional stormwater runoff can exceed the full treatment capacity of the system, and the excess combined sewage and stormwater

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[22] For purposes of discussion in this section, "project area" refers to the general vicinity of both the Cruise Terminal and Wharf project sites, including the two sites themselves.

[23] Secondary treatment involves removal from wastewater or sewage of organic matter using biological and chemical processes. This is a higher level of treatment than primary treatment, which is removal of floating and settleable solids using physical operations such as screening and sedimentation. Secondary treatment is less intensive than tertiary treatment, which involves additional chemical and biological treatment to remove pathogens, generally done for recycled (non-potable) water uses.

undergoes partial treatment and is discharged through overflow control structures located along the waterfront. There are a total of 28 overflow points in the Bayside system along the waterfront, where partially treated combined sewage and stormwater is discharged to the Bay through combined sewer overflow (CSO) structures when the dry weather capacity is exceeded. The closest CSO structure to the project area is at Brannan Street (Outfall #19), just south of Pier 30-32. Combined sewer overflows occur on average about ten times per year at this location. All discharges from the combined sewer system to the Bay, including those from the Southeast Plant and the CSO structures, are operated in compliance with permits from the California Regional Water Quality Control Board (RWQCB). As part of the permit requirements, the City conducts annual inspections of the CSO structures to assure that the partial treatment system is operating, and the most recent inspection of the Brannan Street CSO structure in August 2000 showed the structure to be in good condition (Franza, 2001).

The San Francisco Public Utilities Commission has started a strategic planning process to update the City's wastewater management program, including examining opportunities to implement alternative treatment technologies where feasible (San Francisco Public Utilities Commission, 1999). Stormwater management in areas where the collection system is separate, such as the Pier 30-32 and the Brannan Street Wharf project site, may be candidates for alternative technologies. Development of these alternative technologies are still being considered on a conceptual level, and it is not known if they would be applicable to the proposed projects. Therefore, this analysis does not assume implementation of these alternative technologies.

### *BENEFICIAL USES*

The *Water Quality Control Plan for the San Francisco Bay Basin* (Basin Plan) identifies the following existing beneficial uses for the San Francisco Bay, Central and Lower portions (the Bay Bridge is the approximate dividing line between the two portions): ocean, commercial and sport fishing; estuarine habitat; industrial service supply; fish migration; navigation; preservation of rare and endangered species; water contact recreation; non-contact water recreation; shellfish harvesting; and wildlife habitat. Central San Francisco Bay also is identified as having industrial process supply and fish spawning as existing beneficial uses. No "potential" beneficial uses are identified for these waters (California Regional Water Quality Control Board, 1995).

### *WATER AND SEDIMENT QUALITY CONDITIONS*

As described in the Waterfront Plan EIR, ambient water quality data for the Bay specific to the project area are sparse. Water quality conditions in the general vicinity of the Bay near the project area are best characterized by data collected for Central San Francisco Bay as part of the Regional Monitoring Program (RMP) for the San Francisco Estuary by the San Francisco Estuary Institute (San Francisco Estuary Institute, 1997 and 1999). Data from this ongoing study, started in 1993, have indicated that, in general, the Central Bay has the highest water quality in the estuary, probably due to the regular tidal flushing in this area. At the Yerba Buena Island sampling station, the closest RMP sampling station to

the project area, the most recent monitoring data available for 1999 indicate that water quality conditions remain well within water quality objectives established by the RWQCB for conventional water quality parameters and all trace elements.[24] The 1999 data generally show lower levels for nearly all trace elements than the 1993 levels that were presented in the Waterfront Plan EIR.

During rainstorms, the City monitors the quality of the discharges from the CSO structures as part of the National Pollutant Discharge Elimination System (NPDES) permit requirements for the Bayside wet weather facilities. The overflows are monitored for a range of parameters, including suspended solids, grease and oil, organic compounds, and metals. The data indicate that the CSO water quality varies widely between storm events and sporadically exceed some of the numerical water quality objectives listed in the Basin Plan. However, the NPDES permit does not specify numerical water quality requirements for CSO discharges, and in general, the overflows are in compliance with all permit requirements (Lee, 2001).

Sediments in the vicinity of Piers 30-32 and 36 consist of Younger Bay Mud, characterized as mostly soft, fine-textured, dark-colored sediments with a high silt and clay content (EVS Consultants, 2000). The sediments at Pier 30-32 have been dredged periodically since the 1970s, with the most recent maintenance dredging taking place in the mid-1980s. Areas along the northern berth of Pier 30 would be the only location where dredging of sediments would be required to accommodate the proposed project. Recent bathymetric surveys indicate bottom depths ranging from –12 to –18 feet Mean Lower Low Water (MLLW) along most of the northern berth area.

The most recent sediment quality data were obtained by the Port of San Francisco during tests conducted in 1998 of sediments along the northern berth of Pier 30-32 (ABT, 1998). The tests included sampling at 12 locations within the likely dredge limits along the northern berth. Four composite samples were created, comprised of three point samples each. Each composite was subjected to chemical analysis and one bioassay test to determine toxicity potential. Results indicated that metal concentrations in the Pier 30-32 sediments were comparable to those in reference sediments, which are indicative of "background" conditions. Organic compounds, including polycyclic aromatic hydrocarbons (PAHs), were elevated in the Pier 30-32 sediments compared to reference sediments. Solid-phase bioassay tests conducted on each composite sample indicated no toxicity.

## *REGULATORY FRAMEWORK*

### Water Quality Regulation

The federal Clean Water Act of 1972 and subsequent amendments, under the enforcement authority of the U.S. Environmental Protection Agency (USEPA), established the NPDES program to protect water quality of receiving waters. Under the Clean Water Act, discharge of pollutants to receiving waters is prohibited unless the discharge is in compliance with an NPDES permit. However, as discussed below

[24] Trace elements include silver, arsenic, cadmium, chromium, copper, mercury, nickel, lead, selenium, and zinc.

under "Cruise Ship Discharges," the USEPA specifically excludes normal vessel discharges from NPDES permit requirements. Discharge of municipal and industrial wastewater as well as stormwater runoff is regulated under NPDES permit requirements. The regulations initially focused on municipal and industrial wastewater discharges in 1972, followed by stormwater discharge regulations, which became effective in November 1990. The NPDES permit specifies discharge prohibitions, effluent limitations and other provisions (such as monitoring programs) deemed necessary to protect water quality. In California, the U.S. EPA has delegated the implementation and enforcement of the NPDES program to the State Water Resources Control Board and the California Regional Water Quality Control Boards.

The Porter-Cologne Water Quality Control Act (Division 7 of the California Water Code) regulates water quality within California and established the authority of the State Water Resources Control Board and the nine Regional Water Quality Control Boards. The San Francisco Bay waters are under the jurisdiction of the San Francisco Bay Region RWQCB. The RWQCB established regulatory standards and objectives for water quality in the Bay in the *Water Quality Control Plan for the San Francisco Bay Basin*, commonly referred to as the "Basin Plan" (California Regional Water Quality Control Board, 1995). The Basin Plan identifies existing and potential beneficial uses (described above) and provides numerical and narrative water quality objectives designed to protect those uses. The RWQCB considers the beneficial uses of receiving water in establishing NPDES permit requirements in the San Francisco Bay region.

The RWQCB has listed all segments of San Francisco Bay as an impaired water body, as required under Section 303 (d) of the Clean Water Act. Impaired waters are defined as those that do not meet water quality standards, even after point sources of pollution have implemented pollution control technology. The law requires the development of action plans, known as Total Maximum Daily Loads (TMDL), to improve water quality. The pollutants that have been identified as causing impairment in San Francisco Bay in the project vicinity include mercury, exotic species, polychlorinated biphenyls, copper, nickel, and pesticides. To date, only the TMDL report on mercury has been completed, with the next four reports scheduled for completion in 2002 and the pesticides reports in 2004 and later. The TMDL reports and associated implementation plans include considerations for future amendments to the Basin Plan to adopt the TMDL and all its related parts.

### City NPDES Permits

The City currently holds an NPDES permit from the RWQCB that covers all of the Bayside wet weather facilities, including discharges from the CSOs to the Bay. The permit prohibits overflows from the CSO structures during dry weather and specifies that during wet weather, the long-term average number of discharges from the CSO structures in the project area (Central Bay) shall be ten overflows per year. The permit also requires regular operations and maintenance programs for the CSO structures; measures to control solid and floatable materials discharged from the CSOs; public notification of overflows on

public beaches; and regular water quality monitoring of CSOs (California Regional Water Quality Control Board, 1995a).

The City and County of San Francisco is currently exempt from the federal stormwater regulations under the NPDES program because it has a combined sewer system. Discharge of nearly all stormwater runoff from the City is covered under its existing NPDES permits, and the City is not required to have a separate municipal stormwater discharge permit. Stormwater runoff from areas such as Piers 30-32 and 36 that drain directly to the Bay are not subject to the City's existing NPDES permits. However, in order to meet future requirements by April of 2003, the City intends to apply for a general stormwater permit in 2002 that would require the City to develop and implement a stormwater control program in those isolated areas that have separate stormwater drainage to the Bay, such as the piers in the project area (Rourke, 2001).

### Industrial Stormwater NPDES Permit

The federal Clean Water Act includes regulations requiring that stormwater associated with industrial activity that discharges either directly to surface waters or indirectly through municipal separate storm sewers must be regulated by an NPDES permit (State Water Resources Control Board, 1997). The proposed project may be subject to these requirements under the category of transportation facilities, since the project involves the "deep sea transportation of passengers." However, transportation facilities generally apply to facilities that have vehicle maintenance shops or equipment cleaning operations. Office, commercial, restaurant, retail and public access uses are not subject to the requirements of the Industrial Stormwater NPDES Permit. Stormwater runoff from Piers 30-32 and 36 is currently not regulated under a stormwater permit (Bach, 2001).

The Port of San Francisco's maintenance facility and the Port's industrial tenants comply with the NPDES industrial stormwater requirement through the Industrial Activities Stormwater General Permit adopted by the State Water Resources Control Board in 1997. Each industrial user is individually required to comply with all stormwater permitting requirements, including preparation of a Stormwater Pollution Prevention Plan (SWPPP) and implementation of Best Management Practices (BMPs) to control pollution in stormwater discharges. To assist its industrial tenants in meeting the permit requirements, the Port has established a Group Stormwater Monitoring Plan and has assumed responsibility for conducting stormwater sampling and analysis and annual reporting of the results (Port of San Francisco, 2000).

The Port has developed a draft stormwater management program to address the requirements of the Regional Water Quality Control Board (Port of San Francisco, 2001). The program includes a comprehensive survey of all facility types and operations subject to stormwater discharge regulations within the Port's jurisdiction as well as recommended stormwater management measures. The proposed project would be included in this program. In addition, the Port is developing a stormwater management program specific to the southern waterfront area (Piers 68 through 96), since this area offers an opportunity to implement area-wide, rather than facility-specific, management measures.

### Construction Stormwater NPDES Permit

The federal Clean Water Act effectively prohibits discharges of stormwater from construction projects unless the discharge is in compliance with an NPDES permit. The State Water Resources Control Board has adopted a statewide General Permit for Stormwater Discharges Associated with Construction Activity that encompasses five or more acres of soil disturbance; the current 1999 General Permit updates the previous 1992 General Permit (State Water Resources Control Board, 1999). Under the Storm Water Phase II Final Rule adopted by the USEPA in 1999, construction activities disturbing areas equal to or greater than one acre and less than five acres of land is also subject to NPDES permitting requirements. However, permit applications from operators of construction activities disturbing less than five acres will not be due until 2002 or early 2003. Under the Phase II Final Rule, the operators of construction activities can obtain a waiver from permitting requirements if there is low predicted rainfall potential.

In general, the NPDES stormwater permitting requirements for construction activities require that the landowner and/or contractor develop and implement a SWPPP and submit required notices. The SWPPP must specify BMPs that will prevent construction pollutants from contacting stormwater, with the intent of keeping products of erosion from moving off site into receiving waters. The SWPPP must include measures for erosion and sediment controls, methods for construction waste handling and disposal, and post-construction erosion and sediment control requirements. The SWPPP also addresses elimination or reduction of non-stormwater discharges to receiving waters and inspection of all BMPs.

Since development of the seawall lot component of the Cruise Terminal project site would involve disturbance of about three acres of soil, it would be subject to the Phase II regulations. Actual implementation of permitting requirements for the seawall lot would depend on the timing of the construction schedule compared to the implementation date to be established by the RWQCB in 2002 or early 2003. Project development on Pier 30-32 would involve only minimal soil disturbance associated only with excavation at The Embarcadero frontage for utility connections and therefore would not be subject to these regulations. The Brannan Street Wharf project would be subject to the Phase II regulations since construction is planned for between 2009 and 2019, well after the projected implementation date of the regulations.

### *BALLAST WATER MANAGEMENT PROGRAM*

Effective January 1, 2000, the Ballast Water Management for Control of Nonindigenous Species Act established a statewide program (AB 703) to prevent or reduce the introduction and spread of nonindigenous aquatic species into the state waters. The program is under the direction of the California State Lands Commission in consultation with other state and federal agencies. The program requires that all vessels carrying ballast water must either conduct a mid-ocean exchange of ballast water or retain all ballast water on board the vessel. The exchange or replacement of all water in tanks must occur with ocean waters located more than 200 nautical miles from land and at least 6,560 feet deep. Vessels must comply with "good housekeeping" practices, including the following: avoiding uptake or discharge in or

near marine sanctuaries or reserves; minimizing or avoiding uptake in areas of known infestations or pathogens; minimizing or avoiding uptake near sewage outfalls or near dredging operations; cleaning ballast tanks regularly to remove sediment; proper disposal of sediments; minimizing discharge amounts; and removing fouling organisms from hulls, pipes, etc. Vessel owners or operators must submit ballast water report forms to the California State Lands Commission and must maintain a Ballast Water Management Plan specific to each vessel (California State Lands Commission, 2001).

Ships generally require the uptake and discharge of ballast water to compensate for changes in overall vessel weight due to changing load (e.g., for a cargo ship this would be when the ship was carrying a full cargo load vs. being empty). Compared to cargo ships and tankers, cruise ships require a low volume of ballast water due to their relatively light load and the minimal changes in weight (typically primarily associated with refueling) that they undergo before, after, or during cruises. Whatever ballasting is required for stability on cruise ships can frequently be offset by the potable water that each ship constantly makes and stores in its potable water tanks, or that it takes on at ports where potable water is available.

Ballast water discharges have been identified as a significant source for introducing non-indigenous aquatic nuisance species into water bodies such as San Francisco Bay. The majority of marine species have a small larval stage that can be readily taken into a ballast water tank in one part of the world and released into another. Even small quantities of ballast water containing aquatic nuisance organisms can pose a threat to the San Francisco Bay ecosystem. Past marine aquatic species invasions indicate that these introduced species can out-compete and displace native species, adversely affecting biological diversity, diminishing habitat value to other native species (including special status species) and also causing direct economic harm. Some of the better known West Coast invasions include the Japanese Mahogany Clam, which was believed to be a ballast water introduction in the Northwest in 1991, the European Shore Crab, released in 1990 along with imported bait worms, and the Chinese Mitten Crab, released intentionally as part of an aquaculture operation in 1992 (*Introduced Species in U.S. Coastal Waters*, Pew Oceans Commission, 2001). San Francisco Bay has been established as the most invaded aquatic ecosystem in North America, with non-native species accounting for more than 90% of the species occupying some parts of the Bay (*Nonindigenous Aquatic Species in A United States Estuary: A Case Study of the Biological Invasions of the San Francisco Bay and* Delta, Cohen, Andrew N. and James T. Carlton, 1995).

AB 703 specifies four distinct methods for managing ballast water. Each of these methods and their applicability to the proposed project is discussed below.

1. Mid-Ocean Ballast Exchange: Exchanging ballast water outside what is called the Exclusive Economic Zone (EEZ), which extends out 200 miles from any shore, and in waters at least 6,560 feet deep before entering waters of the State. (AB 703 does provide for, under extraordinary conditions, conducting a ballast water exchange within an area within the EEZ when agreed to by the State Lands Commission.)

This method is a readily available technique that can be implemented by vessels arriving in the Bay from distant points across the Pacific. It is currently the primary method being employed by cross-Pacific cargo ships arriving in San Francisco Bay ports and can substantially reduce the potential effects of aquatic nuisance species introductions. However, this method is not 100% effective in removing organisms from ballast water and can involve substantial safety risks to vessels during adverse weather (*Aquatic Nuisance Species in Ballast Water Discharges: Issues and Options (draft)*, EPA, 2001). This method is also not feasible for most cruise vessels traveling to the Bay, since those ships typically do not cruise outside the EEZ.

2. Ballast Retention: Retaining the ballast water on board the vessel for the entire duration of the vessel's trip in State waters. This method offers a high level of protection against introductions of aquatic nuisance species. This method may be more feasible for cruise ships to apply than would the mid-ocean exchange approach due to their relatively low ballast volume and adjustment requirements (compared to similarly sized cargo vessels). At least one cruise line, Holland America, reports that they have recently been able to avoid any discharge of ballast water to California waters by operating with a less than optimal ballast load (Richard Softye, Holland America 2002, pers. comm.).

3. Discharge to Facility: Discharging the ballast water to an approved reception facility. The California Association of Port Authorities (CAPA) completed the *Feasibility of Onshore Ballast Water Treatment at California Ports* in September, 2000, that concluded that it would be technically possible to retrofit the vessels and wharves, construct onshore storage tanks and onshore treatment systems, and discharge treated water back to local waters. However, the study noted that the costs for such an approach would be orders of magnitude higher than the mid-ocean ballast exchange method and may not be economically feasible. No reception facilities have been approved for this use by the State, and none has been proposed for this facility.

4. Alternative Ballast Management: Employing an alternative environmentally sound method of ballast water management that has been approved by the State Lands Commission prior to the vessel's voyage and that is at least as effective as the mid-ocean exchange method. Development of alternative methods for managing ballast water has been an area of substantial research. However, the development of ballast water treatment technologies is at an early stage (CAPA, 2000). While both shipboard and onshore treatment systems are being explored, within North America pilot studies into the effectiveness of different treatment methods have focused on shipboard systems. For example, Princess Cruises, which operates in California waters, is currently testing a pilot shipboard treatment system that uses ultraviolet light as the disinfection agent.

### *CRUISE SHIP DISCHARGES*

The USEPA is currently preparing an assessment of cruise ship discharges in response to a petition received from the Bluewater Network (USEPA, 2000). The petition requests the USEPA to take regulatory action on measures to address pollution by cruise ships. In response to the petition, the USEPA agreed to study cruise ship discharge and waste management approaches, and the assessment report will be made available for public comment. As background material for the assessment report, the USEPA prepared the *Cruise Ship White Paper* (White Paper) in August, 2000, which presented an overview of the current regulation of cruise ship waste streams.

According to the White Paper, the federal Clean Water Act, Section 312, includes regulation of cruise ship waste streams and applies to vessels within the three-mile limit of U.S. territorial waters. It is implemented jointly by the U.S. Coast Guard and the USEPA. These regulations establish effluent standards for marine sanitation devices, on-board sewage treatment equipment, and procedures for establishing "no discharge" zones for vessel sewage. Sections 301 and 402 of the Clean Water Act establish permit requirements for discharge of pollutants from point sources such as vessels, although USEPA regulations specify that the following discharges do not require NPDES permits: "any discharge of sewage from vessels, effluent from properly functioning marine engines, laundry, shower, and galley sink wastes, or any other discharge incidental to the normal operation of a vessel." The petition from the Bluewater Network requests that the USEPA evaluate the effects of this exemption from NPDES permits.

U.S. Code, Title 33, Chapter 33, addresses prevention of pollution from ships and implements certain provisions of the International Convention for the Prevention of Pollution from Ships (MARPOL). The MARPOL convention is the international treaty regulating disposal of wastes generated by normal operation of vessels, with 88 participating countries. In the U.S., this treaty is implemented by the Act to Prevent Pollution from Ships, under the lead of the U.S. Coast Guard. It applies to all U.S. flagged ships anywhere in the world and to all foreign flagged vessels operating in the navigable waters of the U.S. or while at a U.S. port. The Act addresses discharges of oil, noxious liquids, harmful substances and garbage (including plastics). The MARPOL convention has draft regulations addressing discharge of sewage from ships, but these are not entered into force and have not been ratified by the U.S. The Safety of Life at Sea Convention is an international convention dealing with maritime safety, with many

provisions applicable to passenger ships, and includes an environmental protection component to prevent marine pollution.

The U.S. Coast Guard has primary oversight responsibility for implementing domestic laws and international conventions applicable to vessels such as cruise ships. The Coast Guard conducts quarterly inspection of all cruise ships operating in U.S. waters.

In February, 2000, California passed new legislation, AB 2746, that requires cruise ships operating in California waters to report the specific details about the quantities and qualities of all waste materials released into the environment and offloaded at California ports to an inter-agency Cruise Ship Environmental Task Force established in January, 2001. The Task Force is required to prepare a report to the Legislature by June 2003 with recommendations on how to improve regulations that apply to cruise ship waste management practices in California. The legislation would also require cruise ships to submit quarterly reports to the State Water Resources Control Board.

### *DREDGING*

The U.S. Army Corps of Engineers (Corps) has jurisdiction over fill, dredging and disposal of dredge materials under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. The Port of San Francisco is required to obtain a permit from the Corps to conduct any of these activities along the waterfront in the project area. The RWQCB must grant Water Quality Certification for dredging and disposal activities in the Bay based on assessments of the potential for dredging and dredged material disposal to result in violation of water quality objectives. The RWQCB and USEPA are responsible for determining appropriate dredged material testing and discharge standards, and for assuring that dredging and the disposal of dredged materials are consistent with the maintenance of Bay water quality. The USEPA and the Corps have joint federal responsibility for regulating ocean, Bay and wetland disposal of dredged material. In addition, the Port is required to obtain a permit from the San Francisco Bay Conservation and Development Commission (BCDC) for any activities involving extraction of material, fill or substantial change in the use of water, land or structures in the Bay and within 100 feet inland of the Bay shoreline, including all dredging activities. Currently, dredging permits from all three agencies are handled jointly through the Dredge Material Management Office (DMMO), which also includes the State Lands Commission, USEPA, California Department of Fish and Game, National Marine Fisheries Service, and U.S. Fish and Wildlife Service as member agencies.

Due to the natural sedimentation rates in the Bay, regular maintenance dredging is necessary to maintain safe navigation channels and harbors for port facilities and flood control channels. The Port of San Francisco is currently authorized to conduct maintenance dredging within its jurisdiction and holds the necessary permits described above. The current Corps permit was issued in 1997, with modifications in 1998, 1999, and 2000 and authorizes maintenance dredging within the Port's jurisdiction, including Pier 30-32, through November 30, 2002 (see Appendix E for a copy of the Corps permit). The Corps permit authorizes dredging of a total of almost 1.5 million cubic yards of material within the Port of San Francisco over the five-year permit, of which about one million cubic yards of material has been dredged

between since 1997. In recent years, approximately 93 percent of the dredge material was disposed of in the Bay near Alcatraz Island, while the remaining 7 percent required upland disposal. Consistent with the

Corps permit, BCDC issued Permit No. 2-97, as amended, which also authorizes the Port to conduct regular maintenance dredging. The BCDC permit authorizes dredging to a depth of –35 feet MLLW within a specified 150-foot wide band adjacent to the north side of Pier 30-32. The BCDC permit conditions are consistent with the Corps permit, as described below.

The permit specifies conditions to which dredging is subject, including authorized dredging depths and location of dredge material disposal. Dredged material is permitted in the Bay at a specified site near Alcatraz, in the ocean at a specified deep ocean dredge disposal site, or at specified upland locations. Prior to any dredging event, the Port's master permit requires sampling of sediments to be dredged and testing for agency approval of aquatic disposal. For each dredging episode, the Port is required to obtain a letter of water quality certification from the RWQCB and authorization from the BCDC. In addition to notifying the Corps, RWQCB, and BCDC, the Port must also submit results of the sediment testing to the USEPA, U.S. Fish and Wildlife Service, National Marine Fisheries Service and the California Department of Fish and Game through the DMMO review process. The permit also specifies that dredging activities will occur outside of the sensitive Pacific herring spawning season, December 1 through March 1, or as determined by California Department of Fish and Game (Department of the Army, 1997 and BCDC, 1997).

The Port completed a Master Sampling and Analysis Plan for its maintenance dredging program as encompassed under the current Corps and BCDC permits (Harding Lawson Associates, 2000). It should be noted that maintenance dredging, where the dredged material is to be deposited in an area authorized by all applicable state and federal regulatory agencies, is considered to be categorically exempt from environmental review under CEQA (see Appendix E for a copy of the categorical exemption certificate issued for the Port's existing maintenance dredging permit).

The Port is currently in the process of preparing an application for re-authorization of its maintenance dredging permit with the Corps and BCDC, since the current permit is scheduled to expire in November, 2002. The Port anticipates submitting the application in early 2002 and that the new permit would be similar to the existing permit and applicable for five years, with updates to conform with recent changes in regulations.

## IMPACTS

### *SIGNIFICANCE CRITERIA*

The City generally considers that implementation of the proposed project would have a significant effect on hydrology and water quality if it were to:

- substantially change absorption rates, drainage patterns, or the rate and amount of surface water runoff;
- substantially degrade water quality;

- contaminate a public water supply;
- substantially degrade or deplete groundwater resources or interfere with groundwater recharge; or
- cause substantial flooding, erosion, or siltation.

Criteria for evaluating surface and groundwater quality in the San Francisco Bay Area are based on beneficial uses and water quality objectives established by the San Francisco Bay Region RWQCB as authorized under the Porter-Cologne Water Quality Control Act, and Clean Water Act. Both beneficial uses and water quality objectives are described within the Basin Plan. Criteria for evaluating flooding hazards are based on effects to on-site and downstream 100-year flood zones as established by the Federal Emergency Management Agency.

## *IMPACT ANALYSIS*

Water supply, groundwater and flooding hazards are not discussed in this section because the proposed projects would have no significant impacts in any of these topic areas. The project sites are not located within the vicinity or watershed of a public drinking water supply, and neither construction or operation activities could affect any public water supply. The proposed development at Seawall Lot 330 would be at grade and would require minimal excavation only for connection to utilities and pile driving. Development on Pier 30-32 and for the Brannan Street Wharf would involve no soil disturbance except for a minimal amount at The Embarcadero frontage to connect utilities. Therefore, it is unlikely that groundwater would be encountered, and no impacts to groundwater resources or recharge are anticipated. The drainage on the seawall lot is regulated by the City's combined sewer system, and Piers 30-32 and 36 drain directly to the Bay; no component of either project's site is subject to flooding and no flooding impacts are anticipated.

### Operational Effects

#### *Changes in Stormwater Runoff*

The proposed projects would result in minimal changes in drainage patterns. The seawall lot is currently 100 percent paved and the proposed residential development would be about 80 percent impervious surfaces, in the form of multi-level structures instead of a paved parking lot, and about 20 percent landscaped areas. Therefore, there would be a slight reduction in the volume of stormwater runoff at the seawall lot due to the retention of some of the rainfall within the landscaped areas. The seawall lot currently drains to the City's combined sewer system, and drainage of the proposed residential development from roofs, terraces, other paved surfaces, and landscaped areas would continue to be directed to the City's combined sewer system through a developed on-site drainage system.

At Piers 30-32 and 36, there would be no impacts associated with change in the volume of stormwater runoff draining directly to the Bay. All three piers are paved and 100 percent impervious surfaces, and stormwater runoff drains by sheetflow directly to the Bay. With development of Pier 30-32, most of the site would continue to be impervious surfaces, again in the form of multi-level structures instead of a

paved parking lot, with some minor landscaped areas. The proposed development would include on-site drainage improvements that would direct stormwater drainage from roofs, terraces and other paved surfaces to the Bay rather than the current pattern of undirected sheetflow to the Bay. As part of the Wharf project, removal of Pier 36 would alter the drainage pattern from runoff from 100 percent impervious surfaces draining directly to the Bay to rain falling directly into the Bay. The Wharf project would result in a decrease of about 91,845 square feet of impervious surfaces due to removal of Pier 36, while the development of a 57,000 square-foot park would require about 32,000 square feet of new fill; the net decrease in surface area draining to the Bay would be about 60,000 square feet. It is assumed that the new park area would drain by sheetflow to the Bay. Overall, there would be a slight net decrease in stormwater runoff draining directly to the Bay from the Cruise Terminal and Wharf projects, offset by a slight increase in direct rainfall to the Bay.

While the changes in volume of stormwater runoff in the pier areas would be negligible, the minor changes in the nature of that runoff would result in an improvement in water quality conditions associated with the runoff. Under the existing conditions, the seawall lot, Pier 30-32 and Pier 36 serve as parking lots, and the stormwater runoff from each is typically exposed to oil and grease, gasoline and other fluid leaks from vehicles, brake pad wear, tire abrasion and pavement wear. Under the Wharf project, runoff from Pier 36 would be eliminated altogether. As a result of the Cruise Terminal project, runoff would be primarily from roofs, terraces and public areas. All public parking areas and tour bus or taxi parking areas on Pier 30 would be covered, minimizing exposure of stormwater runoff to parking lot pollutants.. In addition, the on-site drainage improvements on Pier 30-32 would include some level of treatment, such as screening, oil/water separator or grease or sediment traps. Thus, the quality of stormwater runoff draining from Pier 30-32 to the Bay would be improved over existing conditions, and stormwater runoff from Pier 36 would be eliminated and replaced by direct rainfall and sheetflow from the proposed public open space.

To further minimize the potential for stormwater runoff related water quality degradation due to the Cruise Terminal project, Improvement Measure D.1 (see Chapter IV) has been included that would require implementation of Best Management Practices (BMPs) in keeping with the City's Storm Water Pollution Prevention Program. BMPs would include containing and covering all solid and liquid wastes and inspecting and cleaning storm drain inlets to keep pollutants and litter out of the discharge to the Bay. With implementation of the proposed on-site stormwater system as part of the Cruise Terminal project, the quality of stormwater runoff originating from the project area from the commercial, retail, and public open space uses and discharging to the Bay would likely be improved over existing conditions and would result in a less than significant impact.

The proposed Cruise Terminal project would be comprised predominantly of residential, commercial, retail and public open space uses, and the Brannan Street Wharf project would be comprised entirely of open space uses. These uses are not subject to the NPDES requirements to prepare and implement an Industrial SWPPP. However, due to the transportation designation of the actual cruise terminal, a limited portion of the Cruise Terminal project site (about 35,000 square feet in the northeast corner of

Pier 30-32) could be subject to the requirements of an Industrial SWPPP since it involves the "deep sea transportation of passengers." The Cruise Terminal project would include only minor ship maintenance at the project site. The cruise-ship-related activities that would likely be subject to a SWPPP include:

- Waste oil collected from the cruise ships docked in San Francisco. This involves the transfer of waste oil from the ship to a truck on the pier via hose (for approximately 25 percent of ships).

- Lubrication oil transferred onto the ship from a truck on the pier via hose (for approximately 50 percent of ships).

- Routine removal of trash and garbage from cruise ships when docked in San Francisco. This typically consists of transferring the garbage from the hold of the ship to covered garbage containers on the pier. The containers are usually 25 cubic yards in size. The ship's agent contracts with a sanitary waste company to provide the service, which is supervised by the U.S. Department of Agriculture.

For those areas where cruise ship maintenance or equipment cleaning would be conducted, an Industrial SWPPP would be required. The Cruise Terminal project sponsor would be required to file a Notice of Intent and to obtain coverage under the statewide Industrial Activities Stormwater General Permit. In addition, the facility would be eligible to participate in the Port's Group Stormwater Monitoring Program. Compliance with the NPDES Industrial Stormwater General Permit requirements and implementation of a SWPPP would be included as part of the lease conditions with the Port of San Francisco. Compliance with the NPDES stormwater permit conditions, SWPPP and stormwater controls, as described in Improvement Measure D.1, would minimize the potential for any adverse water quality effects from stormwater runoff in these portions of the project site.

As described above, the proposed projects would result in negligible changes in the drainage patterns and in the rate and amount of surface runoff to the Bay. Stormwater quality would be improved over existing conditions, assuming compliance with all applicable stormwater permitting requirements. Therefore, long-term operational impacts associated with stormwater runoff would be less than significant.

### *Impacts on Combined Sewer Overflows*

The proposed Cruise Terminal project would result in an increase in flows discharged to the City's combined sewer system, which would indirectly result in increased discharges to the Bay. In particular, during wet weather, the project would result in an incremental increase in the volume of combined sewer overflows (CSOs) to the Bay and could affect water quality. The volume of increased flow from the proposed project was estimated, and together with hydrological and operational system parameters, project data were analyzed with the aid of the Bayside Planning computer model to determine the project's effects on the CSOs on the City's Bayside system (Hydroconsult Engineers, 2001). As explained below, the Wharf project would have no effect on the CSOs.

At the seawall lot, in addition to stormwater runoff, the proposed development would generate sanitary sewage flow that would be discharged to the City's sewer system. This volume was estimated based on

the assumption that there would be 350 units with an average of 3 persons per unit who would each generate an average of 100 gallons of wastewater per day. At Pier 30-32, the volume of wastewater was estimated based on the square footage of proposed uses, assuming 370,000 and 220,000 gross square feet of commercial/office and retail uses, respectively, and 20,000 to 50,000 square feet of the terminal available to the public for civic and special events. For estimating purposes, there would be about 100 persons per acre, with office uses generating an average of 13 gallons per capita per day and retail uses generating 10 gallons per capita per day. Special events are assumed to generate about 400 persons per acre at 3 gallons per capita per day. Using these assumptions, it was estimated that the proposed project in total would generate an estimated sanitary sewage flow of 0.1216 to 0.1225 million gallons per day (mgd) to be added to the City's Bayside wastewater collection, treatment and disposal system on a year-round basis.

The increased sanitary flows could be collected, transported and fully treated at the Southeast Water Pollution Control Plant well within the existing capacity of 140 mgd (current dry weather flows are about 68 mgd), and no impacts to Bay water quality would be expected during dry weather. During wet weather when the full treatment capacity of the system is exceeded, the increased sanitary flows due to the proposed Cruise Terminal project would result in an increase of CSO volume. The analysis using the Bayside Planning computer model indicates that the proposed project would result in an increase of approximately 0.7 million gallons per year of CSOs over the base case scenario.[25] The base case volume of CSO is 905.0 million gallons per year, and the CSO volume with the project would be about 905.7 million gallons per year. This increase in CSO volume is about 0.08 percent of the existing conditions, or less than one in one thousand. It was also determined that the project's effect on the increase in CSO frequency in the Bayside system is negligible, with CSOs in this area continuing to occur on the average of about 9.7 times per year.

It should be noted that while the increase in CSO volume and frequency would be negligible compared to existing conditions, any CSO events from the existing Brannan Street CSO structure may be more noticeable if either the proposed Cruise Terminal or Wharf project is implemented. Both projects are intended to create a public attraction and viewing point at the same location as the existing CSO structure at the end of Brannan Street. During and following rainstorms, discharges from the Brannan Street outfall, though submerged, may be visible from the proposed Brannan Street Wharf, as well as the south side of the cruise terminal and the Bay. However, the CSO discharges would be partially treated and would meet the requirements of the NPDES permit, so that water quality impacts to the Bay would be minimized.

[25] The base case scenario for determining volumes of combined sewer overflows in the Bayside system is defined as existing conditions, which includes the recently added 37.8-acre Giants parking area with a separate sanitary and storm drain system with first flush to the Bayside system. The base case does not include any flows associated with the planned Mission Bay development, since that development includes provisions for a separate stormwater drainage system to the Bay that would offset any increases in sanitary flows to the treatment system. It also does not include any proposed future developments, such as at Hunters Point or Candlestick Park.

The minuscule increase in CSO volume due to the Cruise Terminal project would have a negligible effect on Bay water quality. Since the increase would not affect the CSO frequency, the Cruise Terminal project would not result in exceedances of the NPDES permit requirements. Therefore, the projects' impact on CSOs would not substantially degrade water quality, and this impact would be less than significant.

**Shipping-Related Impacts on Water Quality** (*Cruise Terminal project only*)

The proposed project would introduce a terminal for cruise ships and would result in increased use of the Bay for shipping and boating activity. Any shipping or boating activity would involve handling and storage of chemicals that could be discharged to surface waters. Potential pollutant sources from cruise ships include fuels, bilge or ballast water, boat cleaning and maintenance materials, chemicals and solvents used in on-board activities including dry cleaning and photo processing, sewage from toilets (also known as "black water") and gray water (includes shower, sink and galley water). However, standard cruise ship operations that would be implemented as part of the proposed project include provisions (i.e., on-board sewage treatment equipment and sewage "no discharge" zones) to protect Bay water quality from cruise ship discharges, and there are numerous regulations in place to protect water quality from impacts associated with maritime uses.

Fueling for the cruise ships would be arranged exclusively through local ship agents that would service the ships by bunkering from fuel barges. No fueling would occur from the deck of the pier. The ship agents would arrange for a fueling barge to pull alongside the cruise ship, and the fuel would be transferred from the barge to the cruise ship via hose. The amount of fuel taken on in San Francisco would depend on the ship's itinerary, the size of the ship and other factors, but would typically range from 500 to 1,500 tons of marine fuel. There are U.S. Coast Guard regulations and licensing requirements for the barges and the operators, with regular inspections of all of the equipment and periodic on-site monitoring. In addition, lube oil would occasionally be taken onto ships and waste oil occasionally removed from ships from service trucks on the pier.

While the potential increase in shipping and boating activity due to the proposed project could incrementally increase the potential for fuel spills to the Bay, compliance with existing regulations and implementation of standard prevention practices to protect the Bay from such spills would minimize potential risks. The Oil Pollution Act of 1990 amends Section 311 of the Clean Water Act to provide a comprehensive statute designed to expand oil spill prevention. Under this Act, cruise ships are prohibited from discharging oil or hazardous substances, in such quantities as may be harmful, into or upon U.S. navigable water or adjoining shorelines.

In addition to the U.S. Coast Guard regulations and licensing requirements for fuel barges, fuel spills to the Bay are regulated under provisions of the federal Oil Pollution Act and the California Oil Spill Response Act. Enforcement of these provisions is under the jurisdiction of the U.S. Coast Guard and the California Department of Fish and Game, with notification required to the RWQCB and the USEPA. The Port maintains an Oil Spill Prevention and Response Plan that provides an incident command system in

the event of a major oil spill in the Bay near San Francisco, as well as fuel spill kits for smaller spills. Compliance with these regulations would minimize the potential for water quality degradation associated with fuel spills from increased shipping and boating activity. As such, the project would result in a less than significant impact. In addition, implementation of an improvement measure identified in the Waterfront Plan EIR would further minimize the potential for these impacts. This measure is included in Chapter IV of this report as Improvement Measure D.2, which recommends that the Port work with the City and other agencies to obtain and assure funding for annual updating of the San Francisco Oil Spill Prevention and Response Plan.

Under Section 303(d) of the Clean Water Act, San Francisco Bay has been listed as an impaired water body, at least in part because of exotic species (a contributor to water quality degradation) brought into the Bay from ballast water. As of January 2000, ballast water from all vessels in California is regulated under the Ballast Water Management for Control of Nonindigenous Species Act, as described above. Cruise ships and other vessels would be required to comply with the specified management, reporting and fee procedures specified in this program. However, due to the relatively light load that passengers and stores represent on cruise ships, these vessels discharge a relatively small amount of ballast water compared to the total amount discharged by other vessels. Nevertheless, compliance with these regulations would minimize the potential for introducing nonindigenous aquatic species to San Francisco Bay as well as protect Bay waters from other pollutants and contaminants present in ballast water.

Hazardous waste discharges associated with cleaning materials, paint, chemicals and solvents used in on-board activities such as dry cleaning and photo processing may be regulated under the Resource Conservation and Recovery Act, although the applicability to vessels is not clearly defined. Currently, the standard cruise ship procedures include no discharge of these substances to the Bay, and no changes to this procedure would occur under the proposed project.

Sanitary sewage from the cruise ships is typically treated on-board with approved marine sanitation devices that include holding tanks for disposal when appropriate. Pumpout of sanitary sewage from the cruise ships would not be conducted in San Francisco, and there would be no pumpout facilities included in the proposed project. Therefore, sewage from the cruise ships and boats would not affect Bay water quality in the project vicinity. Discharges of gray water, while not specifically restricted in the Clean Water Act (except in the Great Lakes), does not typically occur by cruise ships in the Bay, although incidental discharges could occur.

Since the existing regulations relating to cruise ship discharges are currently under evaluation by the USEPA and other relevant regulatory bodies, the adequacy and effectiveness of current regulations pertaining to water quality protection from cruise ship discharges could be subject to change. The increased operation of cruise ships associated with operation of the proposed cruise ship terminal, while typically complying with all applicable regulations, could potentially result in the degradation of water quality. As such, the proposed Cruise Terminal project could result in a potentially significant impact to water quality. Regulatory

review and actions to address this potential impact are in progress on a federal and state level, as previously discussed, and if implemented, these actions would likely mitigate potential impacts.

Thus, due to uncertainty in the effectiveness of existing regulations and the potential for discharges to occur (although such occurrences would likely be very infrequent), the increase in shipping activities associated with the proposed project could potentially result in degradation of water quality. In particular, untreated ballast water discharges into San Francisco Bay have the potential to introduce non-indigenous aquatic species into the Bay ecosystem that could adversely affect biological diversity, diminish habitat value for other native species, and possibly affect special status species. Once established, aquatic nuisance species can be difficult to manage and nearly impossible to eliminate. There is currently no accepted quantitative method for evaluating the probability of an invasive species impact as a result of ballast water discharge. On one hand, ballast water discharges from cruise ships would seem to represent lower risk than cargo ships since cruise ships account for only about 2% of all commercial ship traffic into the Bay, because the volume of ballast water discharge from a cruise ship is much less than that from a cargo vessel, and because the cruise ships calling at the Port would all arrive from destinations within the eastern North Pacific bioregion (as opposed to more distant locations where many of the most problematic prior introductions of non-indigenous species have originated). On the other hand, the cruise ships are typically not able to conduct mid-ocean ballast water exchanges as required by State law since they travel relatively close to the coastline and they also travel shorter distances; therefore the survivability of whatever "foreign" species are collected with the ballast water is high compared with ships that come from distant ports (e.g. Asia, Europe). This would be considered a significant impact. Implementation by the project sponsor of Mitigation Measures D.1 and D.2 (see Chapter IV), which would create and maintain programs designed to prohibit cruise ships from releasing potentially harmful non-ballast water discharges and ballast water discharges to San Francisco Bay until such time as ballast water treatment is authorized by state and federal agencies specifically empowered by statute to make such authorization, respectively, would reduce these impacts to a less than significant level.

These mitigation measures would reduce impacts to a less than significant level because existing laws and regulations that are in place provide that discharges of ballast water and other harmful substances shall either not occur at all within San Francisco Bay or may only occur at acceptable levels in specifically authorized instances. While the project sponsors themselves do not have enforcement authority under the applicable State and federal laws and regulations, the mitigation measures provide that the project sponsors would establish an advisory group that would include representatives from the regulatory agencies who do have such authority, including but not limited to, the U.S. Coast Guard, the SFBRWQCB, SFCT and the State Lands Commission as well as representatives of the cruise lines, the cruise terminal operator, the San Francisco Bar Pilots, the Rincon Hill-South Beach CAC and at least one environmental organization whose primary stated purpose is to address San Francisco Bay water quality issues. This advisory group would make recommendations to the Port Commission for the implementation and/or additional enforcement of measures to prohibit discharges into San Francisco Bay.

### Maintenance Dredging (*Cruise Terminal project only*)

The proposed project would require approximately 20,000 to 25,000 cubic yards of annual maintenance dredging after the initial dredging of approximately 166,500 cubic yards, as discussed below under "Construction Dredging." The proposed annual maintenance dredging would be about ten percent of the Port's annual maintenance dredging, based on the records of the last five years. Over a five-year period, this annual volume of dredging is about seven to nine percent of the currently permitted dredge volumes authorized by the Corps, RWQCB, and BCDC, as described above. The permit requires sampling and testing of sediments prior to dredging, identifies authorized methods for removal of sediments, and specifies approved locations for disposal of dredged materials.

The maintenance dredging required under the proposed project is within the range of the existing maintenance dredging program for the Port of San Francisco and would represent a negligible change from existing practices at the Port for dredging and disposal of dredge materials. It is assumed that re-authorization of the Port's maintenance dredging permit would occur and would include similar provisions and conditions as the existing permit. Continued compliance with the maintenance dredging permit requirements as determined by the Corps, RWQCB, and Corps would provide continued protection of Bay water quality. As noted above, maintenance dredging, where the dredged material is to be deposited in an area authorized by all applicable state and federal regulatory agencies, is considered to be a Class 4 Categorical Exemption under CEQA. Therefore, water quality impacts associated with maintenance dredging would be less than significant.

### Construction Effects

#### *Land-Based Construction Activities*

Construction of the proposed Cruise Terminal and Brannan Street Wharf projects could affect water quality either directly or indirectly, due to grading and earthmoving activities (seawall lot only), use of fuels and other chemicals for construction equipment, and construction on piers directly over the Bay.

Grading and earthmoving activities on the seawall lot would result in exposure of soil during construction and, without proper controls, could result in erosion and excess sediments carried in stormwater runoff to the combined sewer system. Since proposed construction activities would involve approximately three acres of soil disturbance (and therefore less than the five-acre threshold), the Cruise Terminal project would not be subject to NPDES stormwater regulations until 2002 or early 2003, as described above. In addition, construction activities at either project site would likely require temporary on-site use and storage of vehicles, fuels, wastes and other pollutant sources; if improperly handled, these pollutants could also be transported in stormwater runoff to the Bay (from construction on the piers) or to the sewage system (from the seawall lot). Due to the limited size of the construction sites and short-term duration of construction activities, these impacts would be considered less than significant. However, in order to ensure that proper controls are in place during construction of the Cruise Terminal project, it is recommended that the Cruise Terminal project sponsor prepare and implement a SWPPP to minimize construction water quality impacts (see Improvement Measure D.3). The SWPPP would identify pollutant sources within the construction area and recommend site-specific BMPs to prevent discharge of pollutants into stormwater. Implementation of these improvement measures would provide maximum protection of water quality.

In addition, construction activities located on the piers are directly adjacent to the Bay, and there would be a potential for spills and for construction materials or debris to enter the Bay and affect water quality, particularly if construction activities occur on windy days. Even though Piers 30-32 and 36 consist primarily of vacant parking areas, some demolition would be required for pier reconstruction (Pier 30-32), pier removal (Pier 36), and removal of the storage structure on Pier 36. Water quality impacts associated with demolition and construction in proximity to the Bay are discussed in the Waterfront Plan EIR (see p. 595). These impacts would be considered less than significant. However, implementation of the improvement measure identified in the Waterfront Plan EIR, and presented in Chapter IV of this report as Improvement Measure D.4, would minimize these impacts for both projects.

### *Construction Activities In the Bay*

The proposed Wharf project includes removal of Pier 36, and the Cruise Terminal project includes upgrading and improvements to Pier 30-32 (see Section II.B, Project Description, for a description of these activities). Removal and reconstruction of piers and pilings would result in short-term disturbance of localized Bay sediments and could also result in construction debris and associated chemicals affecting water quality. As described above, existing sediments along the nearshore Bay water may contain historic accumulation of chemicals. Disturbance of these sediments would temporarily increase turbidity and re-suspend these sediments in Bay waters. Suspended sediments in the water column can lower levels of dissolved oxygen, increase salinity, increase concentrations of suspended solids, and possibly release chemicals present in the sediments into the water. However, normal circulation and tidal effects of water in the Bay would generally disperse and dilute the affected water following completion of construction activities. Therefore, due to the limited extent and temporary nature of construction activities in the Bay, these impacts would be considered less than significant.

Historic pilings along the waterfront are typically constructed of wood that has been treated with creosote and encased in concrete. Creosote is an effective wood preservative in a marine environment but also may contain organic compounds toxic to marine organisms. Although removal of creosote pilings may release some organic substances, replacement of the pilings would either be with concrete pilings or other materials, since use of creosote pilings is no longer permitted. Replacement of creosote pilings with non-toxic materials would result in a long-term improvement in water quality. Approximately 4,000 piles support Pier 30-32; construction of the Cruise Terminal project would involve removal of about 120 piles and driving of about 100 new vertical and 400 new battered (angled for lateral support) piles. A yet-to-be determined number of piles would be repaired and replaced. The Brannan Street Wharf project would involve driving of approximately 50 new piles in addition to the repair of an unknown number of marginal wharf piles.

***Construction Dredging*** *(Cruise Terminal project only)*

The proposed Cruise Terminal project is estimated to require an initial dredging of about 166,500 cubic yards of sediments. Dredging would be required to deepen and maintain adequate depth (about 35 feet) for the cruise ship berths along the northern side of Pier 30-32. Dredging activities in the Bay have the potential to affect water quality in the following ways: (1) by causing short-term increases in turbidity and salinity with associated reduction in dissolved oxygen, and (2) by exposing previously contaminated sediments and releasing those contaminants into the water column. These dredging impacts on water quality would in turn have the potential to affect marine organisms and their habitat. In particular, dredging could adversely affect Pacific herring spawning, if dredging were conducted during the peak herring spawning period of December 1 through February. However, dredging activities within San Francisco Bay require appropriate permits and compliance with established regulatory requirements that include provisions to protect water quality and the marine environment.

As noted above, the Port's current Corps dredging permit precludes dredging during the peak Pacific herring spawning season unless approved by the California Department of Fish and Game. Although this initial dredging would be required in order to construct the proposed cruise terminal, the initial dredging would be considered maintenance dredging at Pier 30-32 for the Port of San Francisco.[26] The Port periodically dredges this area, and the most recent records for maintenance dredging at Pier 30-32 indicate that dredging has occurred in 1974, 1980, 1983, and 1984. The records are incomplete with regard to depth of dredging and volume, especially at Pier 30, but the last dredge there was approximately 14,000 cubic yards to a depth of 30 feet in March, 1982. At Pier 32, 15,600 cubic yards, 18,600 cubic yards, and 25,600 cubic yards were dredged in 1980, 1983, and 1984, respectively. Dredging at both piers was planned for 1992, but was apparently never conducted (Ach, 2001).

Maintenance dredging for the proposed Cruise Terminal project would be conducted under the authorization of the Port's existing dredging permits with the Corps, RWQCB and BCDC if the dredging

[26] See the BCDC letter dated September 21, 2001 in Appendix E for additional information regarding the characterization of the initial dredging being considered maintenance dredging.

is completed prior to November, 2002. If the dredging is completed after November, 2002, it would have to be authorized by a new maintenance dredging permit issued to the Port. The Port would be required to conform with all permit requirements, including sediment sampling and testing, avoidance of herring spawning season, and acceptable dredge disposal sites. Compliance with permits would provide protection of water quality and the marine habitat. Therefore, the impacts of the initial dredging would be less than significant.

### Cumulative Impacts

Ongoing and continued new development along San Francisco's bayside, including redevelopment and intensification of existing uses such as the proposed project, could lead to cumulative increases in discharges to the City's combined sewer system and associated CSOs, particularly during wet weather. Even though the City's waterfront is largely developed and the majority of stormwater flow currently drains to the combined sewer system, individual projects or new developments within this area could lead to localized increases in density and that could redistribute wastewater flows. In particular, larger developments, like the recently approved Mission Bay project, may require separate stormwater and wastewater systems in order to minimize impacts to the City's combined sewer system and to reduce impacts to CSOs.

However, the proposed project is estimated to result in an increase of 0.7 million gallons per year to the existing combined sewer overflow discharges, or less than one-tenth of one percent. Regardless of the overall conditions of the bayside combined sewer system, the estimated increase in CSOs associated with the proposed project would be considered negligible, and any contribution to increases in CSOs would not be cumulatively considerable. Therefore, cumulative impacts associated with the proposed project would be less than significant.

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# E. AIR QUALITY

The subject of air quality relates to emissions and ambient concentrations in the atmosphere. This section analyzes the types and quantities of emissions that would be generated on a temporary basis due to project construction and over the long term due to project operation.

## SETTING

Emissions estimates give only an indication of the potential for violation of the ambient air quality standards and cannot be directly compared to the standards. Ambient air quality standards represent concentrations of pollutants below which public health and welfare is protected. This setting discussion provides an overview of the regulatory context followed by a discussion of the climate and topography of the area; plans, policies and regulations; and existing air quality conditions in the project area.

### *METEOROLOGY*

The Cruise Terminal and Brannan Street Wharf project sites are located in the city of San Francisco, within the boundaries of the San Francisco Bay Area Air Basin (Bay Area) as designated by the California Air Resources Board (CARB). The climate of the Bay Area is determined largely by a high-pressure system that is almost always present over the eastern Pacific Ocean off the West Coast of North America. High pressure systems are characterized by an upper layer of dry air that warms as it descends, restricting the mobility of cooler marine-influenced air near the ground surface, and resulting in the formation of subsidence inversions. During summer and fall, emissions generated in the Bay Area can combine with abundant sunshine under the restraining influences of topography and subsidence inversions to create conditions that are conducive to the formation of photochemical pollutants, such as ozone and secondary particulates, such as nitrates and sulfates. In the winter, the Pacific high pressure system shifts southward, allowing storms to pass through the area.

Temperatures in the San Francisco area average 58 degrees Fahrenheit annually, ranging from the mid-40s on winter mornings to the mid-70s in late summer afternoons. The strong onshore flow of wind in summer keeps cool air and frequent cloudiness over the Bay Area until September when the offshore Pacific high pressure center weakens and migrates southward. Warmest temperatures generally occur in September and October. Temperature extremes, reaching 90 degrees or dropping to freezing, are rare in San Francisco. Rainfall in San Francisco averages 18 inches per year and is confined primarily to the "wet" season from late October to early May. Except for occasional light drizzles from thick marine stratus clouds, summers are almost completely dry.

Winds in the San Francisco area display several characteristic regimes. Within San Francisco, winds are generally from the west, although wind patterns are often influenced greatly by local topographic features. In the project area, winds generally blow out of the west-southwest, west, and west-northwest (Environmental Science Associates, 1998). Wind data collected at a location 1.5 miles south of the project area between Piers 70 and 72 are representative of typical wind conditions within the greater

project vicinity. The data shows that winds blowing from the south, clockwise through northwest, account for approximately 67 percent of all observations in the project area. Winds from these directions carry pollutants released from the project site out over the Bay and not on the land area surrounding the site. Average wind speeds observed were approximately eight miles per hour.

## *REGULATORY CONTEXT*

### Criteria Air Pollutants

Regulation of air pollution is achieved through both national and state ambient air quality standards and emissions limits for individual sources of air pollutants. The federal Clean Air Act Amendments of 1970 established national ambient air quality standards for criteria pollutants to protect public health and welfare. National standards have been established for ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, particulate matter and lead. These pollutants are called "criteria air pollutants" as they are more pervasive in the environment and standards have been established for each of them to meet specific public health and welfare criteria. Individual states were given the option to adopt more stringent state standards for criteria pollutants and to include other pollutants. California had already established its own air quality standards when federal standards were established, and because of the unique meteorological conditions and associated air quality problems in the state, there is considerable diversity between state and federal standards currently in effect in California, as shown in Table 8. The ambient air quality standards incorporate a margin of safety and are designed to protect those segments of the public most susceptible to respiratory distress. These people, known as sensitive receptors, include asthmatics, the very young, the elderly, people weak from other illness or disease, or persons engaged in strenuous work or exercise. Healthy adults can tolerate occasional exposure to air pollution levels somewhat above the ambient air quality standards before adverse health effects are observed.

Amendments to the federal Clean Air Act require EPA to classify air basins or portions thereof, as either "attainment" or "nonattainment" for each criteria pollutant, based on whether or not the national standards have been achieved. The California Clean Air Act passed by the state legislature in 1988 also requires areas to be designated as "attainment" or "nonattainment" based on whether or not state standards have been achieved. Therefore areas in California have two sets of attainment/nonattainment designations: one for the federal standards and one for the state standards.

Under the federal Clean Air Act, nonattainment areas are required to prepare air quality plans that include strategies for achieving attainment. Air quality plans prepared to meet federal requirement are called State Implementation Plans. Similarly, the California Clean Air Act requires nonattainment areas to prepare air quality plans showing strategies for achieving attainment with respect to state standards.

## TABLE 8
## STATE AND NATIONAL CRITERIA AIR POLLUTANT STANDARDS, EFFECTS, AND SOURCES

| Pollutant | Averaging Time | State Standard | National Standard | Pollutant Health and Atmospheric Effects | Major Pollutant Sources |
|---|---|---|---|---|---|
| **Ozone** | 1 hour | 0.09 ppm | 0.12 ppm | High concentrations can directly affect lungs, causing irritation. Long-term exposure may cause damage to lung tissue. | Formed when reactive organic gases (ROG) and nitrogen oxides ($NO_X$) react in the presence of sunlight. Major sources include on-road motor vehicles, solvent evaporation, and commercial / industrial mobile equipment. |
| **Carbon Monoxide** | 1 hour<br>8 hours | 20 ppm<br>9.0 ppm | 35 ppm<br>9 ppm | Classified as a chemical asphyxiant, carbon monoxide interferes with the transfer of fresh oxygen to the blood and deprives sensitive tissues of oxygen. | Internal combustion engines, primarily gasoline-powered motor vehicles. |
| **Nitrogen Dioxide** | 1 hour<br>Annual Avg. | 0.25 ppm<br>--- | ---<br>0.053 ppm | Irritating to eyes and respiratory tract. Colors atmosphere reddish-brown. | Motor vehicles, petroleum refining operations, industrial sources, aircraft, ships, and railroads. |
| **Sulfur Dioxide** | 1 hour<br>3 hours<br>24 hours<br>Annual Avg. | 0.25 ppm<br>---<br>0.04 ppm<br>--- | ---<br>0.5 ppm<br>0.14 ppm<br>0.03 ppm | Irritates upper respiratory tract; injurious to lung tissue. Can yellow the leaves of plants, destructive to marble, iron, and steel. Limits visibility and reduces sunlight. | Fuel combustion, chemical plants, sulfur recovery plants, and metal processing. |
| **Respirable Particulate Matter ($PM_{10}$)** | 24 hours<br>Annual Avg.<br>Annual Avg. | 50 ug/$m^3$<br>30 ug/$m^3$<br>--- | 150 ug/$m^3$<br>50 ug/$m^3$<br>15 ug/$m^3$ | May irritate eyes and respiratory tract, decreases in lung capacity, cancer and increased mortality. Produces haze and limits visibility. | Dust and fume-producing industrial and agricultural operations, combustion, atmospheric photochemical reactions, and natural activities (e.g. wind-raised dust and ocean sprays). |
| **Lead** | Monthly<br>Quarterly | 1.5 ug/$m^3$<br>--- | ---<br>1.5 ug/$m^3$ | Disturbs gastrointestinal system, and causes anemia, kidney disease, and neuromuscular and neurologic dysfunction. | Present source: lead smelters, battery manufacturing & recycling facilities. Past source: combustion of leaded gasoline. |

NOTE: ppm = parts per million; ug/$m^3$ = micrograms per cubic meter.

SOURCES: South Coast Air Quality Management District, *1997 Air Quality Management Plan,* November 1996; http://www.arb.ca.gov/heath/heath.htm.

### Toxic Air Contaminants

Toxic Air Contaminants (TAC) are less pervasive in the urban atmosphere than the criteria air pollutants, but are linked to short-term (acute) or long-term (chronic and/or carcinogenic) adverse human health effects. There are hundreds of different types of toxic air contaminants, with varying degrees of toxicity. Sources of toxic air contaminants include industrial processes, commercial operations (e.g., gasoline stations and dry cleaners), and motor vehicle exhaust. Unlike regulations concerning criteria air pollutants, there are no ambient air quality standards for evaluation of toxic air contaminants based on the amount of emissions. Instead, emissions of toxic air contaminants are evaluated based on the degree of health risk that could result from exposure to these pollutants.

Toxic air contaminants are regulated under the 1977 federal Clean Air Act Amendments. The most recent federal Clean Air Act Amendments (1990) reflect a technology-based approach for reducing toxic air contaminants. The first phase involves requiring facilities to install Maximum Achievable Control Technology (MACT). The MACT standards vary depending on the type of emitting source. U.S. EPA has established MACT standards for more than 57 facilities or activities, such as perchloroethylene dry cleaning and petroleum refineries, as of the end of year 1999. The second phase of control involves determining the residual health risk represented by air toxics emissions sources after implementation of MACT standards.

Two principal laws provide the foundation for state regulation of toxic air contaminants from stationary sources. In 1983, the State Legislature adopted Assembly Bill 1807, which established a process for identifying toxic air contaminants and providing the authority for developing retrofit air toxics control measures on a statewide basis. The current list of toxic air contaminants includes approximately 200 compounds, including all of the toxics identified under federal law plus additional compounds, such as particulate emissions from diesel-fueled engines, which was added in 1998. Therefore, diesel particulate emissions from cruise ships assessed in this project would be considered TACs. Air toxics from stationary sources in California are also regulated under Assembly Bill 2588, the Air Toxics "Hot Spots" Information and Assessment Act of 1987. Under Assembly Bill 2588, toxic air contaminant emissions from individual facilities are quantified and prioritized by the local air districts. High priority facilities are required to perform a health risk assessment, and if specific thresholds are violated, they are required to communicate the results to the public in the form of notices and public meetings. Depending on the risk level, emitting facilities can be required to implement varying levels of risk reduction measures. Mobile sources, such as marine diesel engines, are not required to perform risk assessments.

### *REGULATORY AGENCIES*

U.S. EPA is responsible for implementing the myriad of programs established under the federal Clean Air Act. This includes establishing and reviewing the national ambient air quality standards and judging the adequacy of State Implementation Plans. U.S. EPA has delegated the authority to implement many of the federal programs to the states while retaining an oversight role to ensure that the programs continue to be implemented. California Air Resources Board (CARB), the State's air quality

management agency, is responsible for establishing and reviewing the state ambient air quality standards, compiling the California State Implementation Plan (SIP) and securing approval of that plan from U.S. EPA, and identifying toxic air contaminants. CARB also oversees the activities of air quality management districts, which are organized at the county or regional level. As a general matter, U.S. EPA and CARB regulate emissions from mobile sources and the air districts (e.g., the Bay Area Air Quality Management District) regulate emissions from stationary sources associated with industrial and commercial activities.

## *AIR QUALITY PLANS, POLICIES AND REGULATIONS*

### Plans and Policies

The Bay Area is currently designated "nonattainment" for state and national ozone standards and for the state PM-10 standard (Air Resources Board, 2000). These standards are shown in Table 8, above. Urbanized areas within the Bay Area are also designated as a "maintenance" area for the national carbon monoxide standard. The "maintenance" designation denotes that the area is now designated as "attainment" had once been designated as "nonattainment." The Bay Area is in "attainment" or is "unclassified" for all other ambient air quality standards.

As noted above, the federal Clean Air Act and the California Clean Air Act require regional planning and air pollution control agencies to prepare Air Quality Plans. These plans contain measures through which both stationary and mobile sources of pollutants can be controlled in order to achieve federal and state ambient air quality standards. To fulfill requirements for the San Francisco Bay Area Air Basin, the Association of Bay Area Governments (ABAG), the Metropolitan Transportation Commission (MTC), and the Bay Area Air Quality Management District (BAAQMD) jointly prepared a *Bay Area Air Quality Plan* in 1982 which predicted attainment of all national clean air standards within the basin by 1987. This forecast was somewhat optimistic in that attainment of federal clean air standards has not yet occurred. The current San Francisco Bay Area *Ozone Attainment Plan for the 1-hour National Ozone Standard* (often called the SIP) was prepared and adopted in June 1999 (ABAG, 1994a). To ensure continued attainment of the national carbon monoxide standard, the Carbon Monoxide Maintenance Plan (ABAG, 1994b) has been adopted.

As required under the California Clean Air Act, the *Bay Area Clean Air Plan* (CAP) was prepared in 1991. Triennial assessments and revisions to the CAP have subsequently been prepared in 1994, 1997 and 2000. The 2000 *Bay Area Clean Air Plan* contains specific measures intended to improve air quality through tighter industry controls, cleaner cars and trucks, cleaner fuels, and increased commute alternatives, including transportation control measures designed to reduce the contribution of the automobile, the single most important contributor to degraded air quality. The plan encourages cities and counties to adopt measures to support this goal. Any project that attracts automobile traffic may be found to have a significant air quality impact, according to BAAQMD, if the project's traffic generation has not been properly anticipated in the regional air quality plan. The Bay Area is now in attainment for CO after state CO standards were met in 1993. Therefore the California Clean Air Act requirements no

longer apply to the Bay Area. No air quality plans are required for areas violating the state PM-10 standard.

As mentioned earlier, U.S. EPA and the CARB share regulatory authority over mobile sources. Unlike stationary sources, mobile sources of air pollutants are not regulated through individual permits but rather through emissions standards enforced on engine and vehicle manufacturers, through fuel specifications, and through vehicle inspection and maintenance programs. Unlike autos and trucks, over which U.S. EPA and CARB share regulatory authority, U.S. EPA has exclusive authority to establish emission standards for marine vessels and locomotives. Until recently, emissions associated with marine vessels and locomotives have been largely unregulated. However, in 1999, U.S. EPA issued a final rule that establishes emissions standards for large, commercial, marine, diesel engines (Category 1 and 2 vessels only, not cruise ships or other Category 3 vessels) used in the United States (USEPA, 1999). These standards take effect for new engines manufactured starting in 2004, 2005 or 2007, depending on their size. U.S. EPA estimates that implementation of the new standards will lead to a 24 percent reduction in emissions of NOx and a 12 percent reduction in emissions of particulate matter by 2030, when the program is fully phased in.

## *AMBIENT AIR QUALITY*

The Bay Area Air Quality Management District (BAAQMD) operates a regional monitoring network that measures the ambient concentrations of the six criteria air pollutants: ozone, carbon monoxide (CO), respirable particulate matter (PM10), lead, nitrogen dioxide, and sulfur dioxide. Monitored ambient air pollutant concentrations reflect the number and strength of emission sources and the influence of topographical and meteorological factors. Existing and probable future levels of air quality in San Francisco can be generally inferred from ambient air quality measurements conducted by the BAAQMD at its two San Francisco monitoring stations. The Potrero Hill station at 16$^{th}$ and Arkansas Streets measures all criteria pollutants, including regional pollution levels (ozone), as well as primary vehicular emission levels near busy roadways (CO). The station at 939 Ellis Street (between Van Ness and Franklin) at BAAQMD headquarters measures only carbon monoxide. Table 9 summarizes published data for the past five years (1996 to 2000) from these monitoring stations. The project site is located approximately 2 miles to the east of the Ellis Street station and 1.5 miles northeast of the Arkansas Street station.

### Ozone

Ozone is a respiratory irritant and an oxidant that increases susceptibility to respiratory infections and that can cause substantial damage to vegetation and other materials. Ozone is not emitted directly into the atmosphere, but is a secondary air pollutant produced in the atmosphere through a complex series of photochemical reactions involving reactive organic gases (ROG) and nitrogen oxides ($NO_X$). ROG and $NO_X$ are known as precursor compounds for ozone. Significant ozone production generally requires ozone precursors to be present in a stable atmosphere with strong sunlight for approximately three hours. Ozone is a regional air pollutant because it is not emitted directly by sources, but is formed downwind of sources of ROG and $NO_X$ under the influence of wind and sunlight. Ozone concentrations tend to be higher in the late spring, summer, and fall, when the long sunny days combine with regional subsidence

## TABLE 9
## SUMMARY OF MONITORING DATA FOR THE ARKANSAS STREET AND ELLIS STREET STATIONS, 1996-2000

| Pollutant | State Standard | National Standard | Pollutant Concentration by Year[a] | | | | |
|---|---|---|---|---|---|---|---|
| | | | 1996 | 1997 | 1998 | 1999 | 2000 |
| *Ozone* | | | | | | | |
| Highest 1-hour average, ppm[b] | 0.09 | 0.12 | 0.07 | 0.07 | 0.05 | 0.08 | 0.06 |
| Days over State Standard | | | 0 | 0 | 0 | 0 | 0 |
| Days over National Standard | | | 0 | 0 | 0 | 0 | 0 |
| Highest 8-hour average, ppm | NA | 0.08 | 0.05 | 0.06 | 0.05 | 0.06 | 0.04 |
| Days over National Standard | | | 0 | 0 | 0 | 0 | 0 |
| *Carbon Monoxide (Arkansas Street)* | | | | | | | |
| Highest 8-hour average, ppm | 9.0 | 9 | 3.9 | 3.5 | 4.0 | 3.7 | 2.5 |
| Days over Standard | | | 0 | 0 | 0 | 0 | 0 |
| *Carbon Monoxide (Ellis Street)* | | | | | | | |
| Highest 8-hour average, ppm | 9.0 | 9 | 5.6 | 5.8 | 3.7 | 4.6 | 2.9 |
| Days over Standard | | | 0 | 0 | 0 | 0 | 0 |
| *Respirable Particulate Matter (PM-10)* | | | | | | | |
| Highest 24-hour average, $\mu g/m^3$[b] | 50 | 150 | **71** | **81** | **52** | **78** | **53** |
| Number of samples[c] | | | 61 | 61 | 61 | 61 | 49 |
| Days over State Standard | | | 2 | 3 | 1 | 6 | 1 |
| Days over National Standard | | | 0 | 0 | 0 | 0 | 0 |
| Annual average, $\mu g/m^3$ | 30 | 50 | 21 | 23 | 20 | 23 | 21 |

NOTE: **Bold** values are in excess of applicable standard. NA = Not Applicable or Not Available.

[a] Data was collected at the Arkansas Street monitoring station unless otherwise noted. The Ellis Street station monitors for carbon monoxide only.

[b] ppm = parts per million; $\mu g/m^3$ = micrograms per cubic meter.

[c] PM-10 is not measured every day of the year. The term, "number of samples" refers to the number of 24-hour-average PM-10 samples collected in a given year at the Arkansas Street monitoring station.

SOURCE: California Air Resources Board, *Summary of Air Quality Data, Gaseous and Particulate Pollutants*, 1996, 1997, 1998, 1999 and 2000; www.arb.ca.gov/adam.

inversions to create conditions conducive to the formation and accumulation of secondary photochemical compounds, like ozone.

Peak ozone values in San Francisco declined in the mid-1990s but have started to climb again (Table 9). Based on the data shown in Table 9, there have been no exceedances of the state or national ozone standard in the project vicinity over the past five years.

### Carbon Monoxide

Carbon monoxide is a non-reactive pollutant that is a product of incomplete combustion and is mostly associated with motor vehicle traffic. High carbon monoxide concentrations develop primarily during winter when periods of light winds combine with the formation of ground level temperature inversions (typically from the evening through early morning). These conditions result in reduced dispersion of vehicle emissions. Motor vehicles also exhibit increased carbon monoxide emission rates at low air temperatures. When inhaled at high concentrations, carbon monoxide combines with hemoglobin in the blood and reduces the oxygen-carrying capacity of the blood. This results in reduced oxygen reaching the brain, heart, and other body tissues. This condition is especially critical for people with cardiovascular diseases, chronic lung disease or anemia.

Table 9 shows that exceedances of ambient carbon monoxide standards have not occurred at the Arkansas Street station and the Ellis Street station areas in the last five years. Based on BAAQMD carbon monoxide isopleth maps, background carbon monoxide concentrations in the project vicinity are approximately 4.4 parts per million for both one-hour and eight-hour averages (Bay Area Air Quality Management District, 1999). On-road motor vehicles are responsible for approximately 69 percent of the carbon monoxide emitted within San Francisco (California Air Resources Board, 1999). Carbon monoxide emissions are expected to decrease within the City by approximately 50 percent between 1996 and 2010 due to attrition of older, high polluting vehicles, improvements in the overall automobile fleet, and improved fuel mixtures.

### Particulate Matter

PM-10 and PM-2.5 consist of particulate matter that is 10 microns (a micron is one-millionth of a meter) or less in diameter and 2.5 microns or less in diameter, respectively. PM-10 and PM-2.5 represent fractions of particulate matter that can be inhaled into the air passages and the lungs and can cause adverse health effects. Particulate matter in the atmosphere results from many kinds of dust- and fume-producing industrial and agricultural operations, fuel combustion, and atmospheric photochemical reactions. Some sources of particulate matter, such as demolition and construction activities, are more local in nature, while others, such as vehicular traffic, have a more regional effect. Very small particles of certain substances (e.g., sulfates and nitrates) can cause lung damage directly, or can contain adsorbed gases (e.g., chlorides or ammonium) that may be injurious to health. Particulates also can damage materials and reduce visibility.

Based on the data in Table 9, PM-10 concentrations measured in San Francisco show occasional violations of the state 24-hour-average standard approximately 5 percent of the time, which is equivalent to approximately 18 days per year. However, maximum PM-10 levels have declined over the five-year period shown in Table 9. Local exceedances of state PM-10 standards in San Francisco have been largely due to emissions from within the City. The primary sources of PM-10 in the City are construction and demolition activities, combustion of fuels for heating, industrial emissions and vehicle travel over paved roads (BAAQMD, 1999). In general, particulate levels are relatively low near the coast and increase with

distance from the coast, and peak in dry, sheltered valleys. Direct PM-10 emissions in San Francisco are expected to decrease by approximately 6 percent between 1996 and 2010.

Because ozone is a regional pollutant and precursors can travel long distances before they react to form ozone, project emissions of ROG and NOx would probably contribute to regional ozone levels as they are transported inland (wind generally blows from the coast toward inland valleys in summer). Table 10 presents ozone data summaries for the past ten years for the BAAQMD's entire regional network of monitoring stations. As shown in Table 10, the regional monitoring network has recorded exceedances of the state ozone standard on an average of approximately 20 days per year over the past ten years with 1996 being the worst year with 34 exceedances and 1997 being the best year with only 8 exceedances. Coastal monitoring stations, such as those in San Francisco, Oakland, and San Rafael, record the fewest exceedances, while inland valley stations, such as those in Livermore, Concord, and Gilroy, record the most violations. Exceedances of national one-hour and national eight-hour ozone standards occur less frequently: on approximately 4 and 8 days per year, respectively.

Comparison of the air quality data with those from other BAAQMD monitoring stations indicates that San Francisco's air quality is among the least degraded of all developed portions of the Bay Area. Three of San Francisco's four prevailing wind directions, west, northwest, and west-northwest, blow from the Pacific Ocean, reducing the potential for San Francisco to receive air pollutants from elsewhere in the region.

### *SENSITIVE RECEPTORS*

Land uses such as schools, children's day care centers, hospitals, and convalescent homes are considered to be more sensitive than the general public to poor air quality because the population groups associated with these uses have increased susceptibility to respiratory distress. Persons engaged in strenuous work or exercise also have increased sensitivity to poor air quality. Therefore, parks and other recreational area are also considered to be sensitive. Residential areas are considered more sensitive to air quality conditions compared to commercial and industrial areas because people generally spend longer periods of time at their residences, with associated greater exposure to ambient air quality conditions.

The project sites are located on the shoreline of San Francisco Bay just south of the Bay Bridge. Sensitive receptors include areas of residential and recreational use and nearby public schools. Surrounding land uses are primarily residential, with some commercial and retail activity. The Marin Day School daycare in the Hills Plaza is an existing day care center located two blocks from the center. The closest public open spaces to the project sites include South Beach Park, a small green open space located where King Street transitions into the Embarcadero, and South Park, an oval green space located three blocks to the west between Second and Third Streets and Brannan and Bryant Streets. PortWalk, a continuous public access system along the waterfront that includes Herb Caen Way, is adjacent to the project sites. A new public open space to be named Rincon Park is planned for construction along the

**TABLE 10**
**SUMMARY OF OZONE DATA SUMMARIES FOR THE SAN FRANCISCO BAY AREA AIR BASIN, 1990–2000**

| Year | Number of Days Standard Exceeded | | | Ozone Concentrations in ppm[b] | | | | |
|---|---|---|---|---|---|---|---|---|
| | | | | 1 Hour | | | 8 Hour | |
| | State 1 hr | Federal 1 hr | Federal 8 hr | Max 1 hr | 3 Year 4th High[c] | EPDC[c] | Max 8 hr | 3 Year Avg. 4th High[c] |
| 2000 | 12 | 3 | 9 | 0.15 | NA | NA | 0.144 | NA |
| 1999 | 20 | 3 | 4 | 0.16 | NA | NA | 0.122 | NA |
| 1998 | 29 | 8 | 16 | 0.15 | 0.14 | 0.151 | 0.111 | 0.089 |
| 1997 | 8 | 0 | 0 | 0.11 | 0.14 | 0.149 | 0.084 | 0.090 |
| 1996 | 34 | 8 | 14 | 0.14 | 0.14 | 0.151 | 0.112 | 0.093 |
| 1995 | 28 | 11 | 18 | 0.16 | 0.14 | 0.135 | 0.115 | 0.087 |
| 1994 | 13 | 2 | 4 | 0.13 | 0.12 | 0.118 | 0.097 | 0.082 |
| 1993 | 19 | 3 | 5 | 0.13 | 0.12 | 0.126 | 0.112 | 0.081 |
| 1992 | 23 | 2 | 6 | 0.13 | 0.12 | 0.130 | 0.101 | 0.082 |
| 1991 | 23 | 2 | 6 | 0.14 | 0.13 | 0.129 | 0.108 | 0.084 |
| 1990 | 14 | 2 | 7 | 0.13 | 0.13 | 0.136 | 0.105 | 0.088 |

NOTE: NA = Not Applicable or Not Available.

[a] This table summarizes the data from all of the monitoring stations within the Bay Area.
[b] ppm = parts per million.
[c] The 3 year 4th high, 3 year average 4th high and Expected Peak Day Concentration (EPDC) are calculated based on the data for 3 successive years, listed by the last year of the three year period. This data is used to track ozone trends and is important to demonstrate attainment in the SIP. The EPDC represents the ozone concentration expected to occur once per year. Data for the years 1999 and 2000 are not yet available.

SOURCE: California Air Resources Board web site at www.arb.ca.gov. March, 2001.

waterfront on the eastern side of The Embarcadero between Howard and Harrison Streets, one block north of the Bay Bridge. In addition, the proposed Brannan Street Wharf open space would be located immediately adjacent to the Cruise Terminal project site.

## IMPACT ASSESSMENT

Construction and operation of the Cruise Terminal project would affect air quality primarily through construction-related emissions and transportation-related exhaust emissions. Construction-related emissions would be short-term and would vary with each specific activity during project construction. Transportation-related exhaust emissions would be long-term and would result from traffic increases associated with operation of the project and from cruise ships calling at the pier.

## *SIGNIFICANCE CRITERIA*

Generally, a project would have a significant effect on the environment with respect to air quality if it would:

- Conflict with or obstruct implementation of the Bay Area Air Quality Plan;
- violate any ambient air quality standard or contribute substantially to an existing or projected air quality violation;
- result in a cumulatively considerable net increase of a criteria pollutant for which the project area is nonattainment with respect to a state or national ambient air quality standard;
- expose sensitive receptors to substantial pollutant concentrations, or
- permeate its vicinity with objectionable odors affecting a substantial number of people.

The BAAQMD has published a set of recommendations that provide specific guidance on evaluating projects under CEQA relative to the above general criteria (BAAQMD, 1999). Construction emissions are typically considered less than significant if appropriate mitigation is employed to minimize dust emissions. For evaluating long term impacts, increases in operational emissions on a regional basis are estimated by evaluating the total amount of criteria pollutants that the project would emit throughout the Bay Area airshed. Based on BAAQMD guidance, this report uses a threshold of 80 pounds per day or 15 tons per year of reactive organic gases, nitrogen oxides, and inhalable particulates from direct and indirect sources to identify significant impacts.

Where necessary to gather additional data, local impacts are analyzed using dispersion modeling to evaluate concentration of particular pollutants at nearby receptors. Carbon monoxide (CO) emissions are considered in the context of concentrations near intersections measured against the state standard, since CO is a local pollutant with the greatest impacts being at receptors near the source. The closer the receptor is to a source, the more likely it is that a significant impact could occur. BAAQMD recommends that cumulative air quality impacts be discussed with reference to the consistency of a project with the regional Clean Air Plan.

## *CONSTRUCTION IMPACTS*

The Brannan Street Wharf project would involve demolition and construction, and therefore would have the potential for construction-related emissions, but would not result in operational mobile or stationary emissions. Further, as a public recreational open space, the Brannan Street Wharf park would be considered a site for sensitive receptors, and therefore would potentially be affected by ambient air quality conditions or emissions related to the Cruise Terminal project. As such, only those portions of the impact discussion below that address these issues are relevant to the Brannan Street Wharf project.

Construction related emissions would be short-term, but may still cause adverse effects on the local air quality. Regarding the Cruise Terminal project, Pier 30-32 is currently used for vehicle parking, berthing

ships and for other temporary storage uses. The only structure currently on the pier is Red's Java House, a small restaurant occupying a corner of the site. Seawall Lot 330 is currently being used as a surface parking lot. There are no structures on this lot. The Brannan Street Wharf project site is vacant except for vehicle parking and other storage uses that occur on Pier 36 and the marginal wharf. Construction of the Cruise Terminal project would occur over a period of 25 months and construction of the Brannan Street Wharf project would occur over approximately one year. The construction activities associated with development would generate dust (including the respirable fraction known as PM-10).

In addition to dust, exhaust emissions from primarily diesel operated construction equipment and vehicles, such as heavy equipment and delivery/haul trucks, air compressors, and generators, would occur during construction. Vehicles for construction workers (primarily gasoline operated) would also result in air pollutant emissions, but the levels would be negligible compared to emissions from on-site heavy equipment and from transport trucks. Potential dust and exhaust emissions associated with construction of the project would be depend on the level and type of activity, silt content of the soil, and the weather.

In the absence of mitigation, construction activities may result in significant amounts of dust, and as a result, local visibility and PM-10 concentrations may be adversely affected on a temporary and intermittent basis during the construction period. In addition, the fugitive dust generated by construction would include not only PM-10, but also larger particles, which would fall out of the atmosphere within several hundred feet of the site causing nuisance-type impacts. The BAAQMD does not require quantification of construction emissions but considers any project's construction-related impacts to be adequately mitigated if required dust-control measures are implemented (BAAQMD, 1999). The extent of dust-control measures called for by the BAAQMD depends on the size of the project. The area under construction at any given time would likely exceed the four-acre BAAQMD threshold for large construction sites. Therefore, implementation of BAAQMD's standard and enhanced dust control procedures (included in Mitigation Measure E.1 in Chapter IV, Mitigation Measures) would reduce fugitive dust impacts from construction activities to a less-than-significant level.

Equipment exhaust emissions during construction would be generated by vehicular traffic related to construction activities, including automobiles transporting workers to and from the project site, and from construction equipment and machinery, both land- and marine-based . Equipment exhaust would emit ozone precursors and carbon monoxide. Where construction occurs in close proximity to residential uses, there would be a potential for unhealthful exposure of sensitive receptors to equipment exhaust. Similar to dust emissions, equipment activity levels are related to the size and extent of earthmoving requirements in site preparation. Emission levels for construction activities vary depending on the type of equipment, duration of use, operation schedules, and the number of construction workers. Although these emissions could temporarily contribute to local air quality degradation, the BAAQMD does not consider construction exhaust emissions significant because they have already been included in the District's regional planning inventories and are not expected to impede regional attainment or

maintenance of air quality standards. Therefore, with implementation of Mitigation Measure E.1, the project's construction-related air quality impacts would be reduced to less than significant.

## *PROJECT OPERATIONAL IMPACTS*

### Regional Emissions

Project-related daily and annual regional emissions of ROG, NOx and PM-10 were estimated for analysis years 2004 and 2020 and are presented in Table 11. Project-generated motor vehicle pollutant emissions and emissions from area sources such as space heating and landscaping, were calculated using the California Air Resources Board model URBEMIS7G. Emissions from cruise ship activity at the cruise terminal were calculated based on emission factors contained in the Marine Vessels Emissions Inventory and Control Strategies Report (Acurex Environmental, 1999) and ship activity information provided by the cruise ship companies. Three cruise ship sizes (small, medium, and large) were assumed based on their gross tonnage (less than 45,000, 45,000 to 70,000, and greater than 70,000). Emissions for each ship size were calculated using average engine bHp values for each ship size, times in different modes (cruising, maneuvering and hoteling), and the load factor during each mode. Emissions from the operation of tugs that would maneuver large ships into port, as well as emissions from the operation of boilers while the ships would be docked, are included in the estimates. The details of these calculations are provided in Appendix C.

Emissions from ships that are reported in Table 11 for future years assume that emission factors would be the same as for present engines. However, emissions of NOx and PM-10 from ships may be reduced in future years because of USEPA's promulgated emission standards for new marine diesel engines (December 29, 1999). These standards take effect for new engines manufactured starting in 2004, 2005, or 2007, depending on their size. Ships manufactured before these dates would be exempt from the new emission standards. As a result, it is difficult to determine precisely how effective the new emissions standards will be in reducing fleet-wide emissions in 2004 and 2020. EPA has also expressed concerns that it may be difficult to enforce the new regulations on vessels of international origin. As a result, it is assumed for impact analysis purposes that there would be no reduction in cruise ship air emissions from the EPA's promulgated emission standards.

While most of the uses in the proposed project would generate traffic on a daily basis, the Cruise Terminal would generate trips on an episodic basis during both the Cruise-Season and the Off-Season. The Cruise Season generally runs for six months from May through October and project-generated traffic is highest during this season. Traffic during the cruise season is mainly due to the cruise ship activity at the Pier. Project-related traffic emissions are estimated for the worst case day during the cruise season when two ships are assumed to be berthed at the port and is based on 9,186 daily trips as estimated in the traffic section of this report. During the Off-Season, the project sponsor would rent out a portion of the Cruise Terminal for special events. Like the cruise ship activity, these special events may occur more than a few nights a week, but would not be expected to occur on a daily basis. Annual motor vehicle emissions were then estimated using average daily trip estimates for both the Cruise Season and Off-Season.

## TABLE 11
## NET INCREASE IN REGIONAL POLLUTANT EMISSIONS FOR 2004 AND 2020

| ANALYSIS YEAR 2004 | Maximum Daily Emissions (lbs./day | | | | Significance |
|---|---|---|---|---|---|
| Pollutant | Area Sources | Motor Vehicles | Cruise Ships[c] | Total Emissions | Criteria (lbs./day) |
| Reactive Organic Gases (ROG) | 17 | 120 | 56 | 193 | 80 |
| Nitrogen Oxides (NOx) | 11 | 174 | 1,153 | 1,338 | 80 |
| Particulate Matter (PM-10) | <0.1 | 72 | 87[b] | 159 | 80 |
| **ANALYSIS YEAR 2004** | **Annual Emissions (tons/year)** | | | | **Significance** |
| **Pollutant** | **Area Sources** | **Motor Vehicles** | **Cruise Ships[c]** | **Total Emissions** | **Criteria (tons/year)** |
| Reactive Organic Gases (ROG) | 40.7 | 22.2 | 1.1 | 64.0 | 15 |
| Nitrogen Oxides (NOx) | 3.5 | 28.5 | 26.0 | 58.0 | 15 |
| Particulate Matter (PM-10) | 14.0 | 11.4 | 2.0[b] | 27.4 | 15 |
| **ANALYSIS YEAR 2020** | **Maximum Daily Emissions (lbs./day)** | | | | **Significance** |
| **Pollutant** | **Area Sources** | **Motor Vehicles** | **Cruise Ships[c]** | **Total Emissions** | **Criteria (lbs./day)** |
| Reactive Organic Gases (ROG) | 17 | 43 | 56 | 116 | 80 |
| Nitrogen Oxides (NOx) | 11 | 118 | 1,153 | 1,282 | 80 |
| Particulate Matter (PM-10) | <0.1 | 69 | 87[b] | 157 | 80 |
| **ANALYSIS YEAR 2020** | **Annual Emissions (tons/year)** | | | | **Significance** |
| **Pollutant** | **Area Sources** | **Motor Vehicles** | **Cruise Ships[c]** | **Total Emissions** | **Criteria (tons/year)** |
| Reactive Organic Gases (ROG) | 40.7 | 7.9 | 2.4 | 51.0 | 15 |
| Nitrogen Oxides (NOx) | 3.5 | 20.6 | 57.6 | 81.7 | 15 |
| Particulate Matter (PM-10) | 14.0 | 12.4 | 4.5[b] | 30.8 | 15 |

a Percentage of total daily Bay Area emissions in 2004 and 2020 based on CARB emissions inventories.
b PM-10 emissions from diesel burning cruise ships are considered TACs.
c Ship emissions were based on emission factors for different modes of ship operation for small, medium and large vessels contained in the Marine Vessels Emissions Inventory and Control Strategies Report (Acurex Environmental, 1999). The assumptions used in this analysis are provided in Appendix C.

SOURCE: Environmental Science Associates.

Similarly, ship emissions are based on the assumption that two home-berthed ships are at the port. Double occupancy at the terminal would represent a worst-case condition that would be expected to occur for about 10 percent of the calls or about five to ten times per year. Ship emissions were counted beginning at the San Francisco Buoy 1, which is about 12.5 nautical miles west of the Golden Gate Bridge, and allowed for a two hour travel time between these points plus an additional 30 minutes for ship maneuvering in the Bay. Annual estimates are based on the increase in the number of cruise ship calls to the region due to the construction of the Cruise Terminal. Daily and annual emissions have been estimated for both analysis years 2004 and 2020.

Area source emissions are significantly higher in the winter months than during the summer months. Space heating is the single largest component of the area source emissions during the winter months. Wintertime area source emissions constitute as much as 96 percent of the annual ROG emissions, 70 percent of the annual NOx emissions and almost the entire annual particulate emissions generated by area sources shown in Table 11. However, as ozone is a summertime pollutant formed in the presence of strong sunlight, its precursors ROG and NOx are more of a concern during the summer months. As the project's ROG and NOx emissions from area sources are emitted mostly during the winter months, they would not contribute to the existing air quality violations.

As indicated in Table 11, daily emissions under the proposed project would substantially exceed the BAAQMD significance threshold of 80 lbs./day for reactive organic gases (ROG), nitrogen oxides (NOx), and inhalable particulates (PM-10) and thus would be considered significant. Emissions in future years will be reduced because of the phase-out of older, more polluting vehicles and ships. Replacement with cleaner burning vehicles and ships by 2020 would result in reduced emissions. Emissions from diesel engines on new vehicles built after 2004 will be reduced because of state and federal regulations. New regulations for U.S. flagged marine vessels were recently proposed by EPA to reduce NOx and PM-10 emissions for new engines built in 2004 or later. However, because of past difficulty in enforcing such regulations on international vessels, EPA has expressed doubt that substantial emissions reductions from marine vessels would actually be realized in the next 10 years. Therefore, emissions may still be significant.

To reduce ozone precursor and particulate matter pollutant emissions, trip reduction measures recommended by the BAAQMD are included in this document (see Mitigation Measure E.2 in Chapter IV). In addition, the project sponsor would implement Mitigation Measures E.3, E.4, and E.5 to minimize air emissions from cruise ships and Port activities associated with operation of the cruise terminal. Implementation of Mitigation Measures E.2, E.3, E.4, and E.5 would reduce impacts of criteria air pollutant emissions, but not to a less-than-significant level, given the magnitude of forecast project emissions. Therefore, regional project-related impacts would be significant and unavoidable.

## Local Pollutant Concentrations

### *Carbon Monoxide Concentrations*

In addition to the regional contribution to the total pollution burden, project-related traffic may result in localized "hot spots" or areas with high concentrations of carbon monoxide concentrations around

stagnation points such as major intersections and heavily traveled and congested roadways. Project-related traffic could add more cars and trucks, as well as cause existing non-project traffic to travel at slower, more polluting travel speeds.

To evaluate "hot spot" potential, a microscale impact analysis was conducted adjacent to six representative intersections in the vicinity of the project area. It was assumed that if the relatively higher volumes of project-generated traffic at these intersections did not result in adverse impacts, impacts at other nearby intersections would experience similar or less substantial effects. For this analysis, local carbon monoxide concentrations were estimated using a protocol developed at U.C. Davis for analyzing project-level effects associated with transportation projects (Institute of Transportation Studies, 1997) and using the results of the traffic study prepared for this report. The estimates are shown in Table 12, which presents the one-hour CO exposure for existing conditions (2001) and future project operation in 2004 and 2020. Table 12 also shows the corresponding eight-hour exposure for these same collective scenarios. Significance of localized CO emissions from mobile sources is determined by modeling the ambient CO concentration under existing and future (with project) conditions and comparing the resulting one- and eight-hour concentrations to the respective state CO standards of 20 and 9 parts per million (ppm).

The U.C. Davis carbon monoxide protocol involves a screening-level analysis, which serves to identify which intersections under which scenarios require further, more refined analysis. With respect to the six intersections evaluated for this analysis, the screening-level analysis was sufficient to demonstrate that no exceedances would occur in the vicinities of the following intersections: The Embarcadero/Howard Street, Second Street/King Street, Main Street/Harrison Street and Main Street/Bryant Street. For the intersection at The Embarcadero/Bryant Street, the screening level analysis indicated the potential for an exceedance for existing conditions only, but the more refined analysis using the CALINE4 model[27] indicated that no exceedance would occur. At First Street/Harrison Street, the refined method was used for both existing and 2004 to show that no exceedances would occur.

This analysis indicates that the State and federal one-hour ambient standards for CO would not be violated at study intersections with implementation of the proposed project, assuming worst-case atmospheric conditions (during wintertime conditions when CO concentrations are typically their greatest of the year). Although traffic volumes would increase with the project in 2004 and 2020, modeling results indicate that CO concentrations would be reduced. This is due to attrition of older, high polluting vehicles, improvements in the overall automobile fleet, and improved fuel mixtures (as a result of on going State and federal emissions standards and programs for on-road motor vehicles); these changes are incorporated into emission factors used in the calculations.

In summary, based on the modeled concentrations shown in Table 12, the project would not result in exceedances of carbon monoxide standards, and therefore, the effect of the project on local carbon monoxide standards would be less than significant.

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[27] A Gaussian line source model used to evaluate traffic emissions both at intersections and on roadways.

**TABLE 12**
**ESTIMATED CARBON MONOXIDE CONCENTRATIONS AT SELECTED INTERSECTIONS IN PROJECT VICINITY**

| Intersection | Averaging Time (hours) | Concentrations (PPM)[a] Existing | 2004 + project cruise season | 2004 + project off season | 2020 + project cruise season | 2020 + project off season |
|---|---|---|---|---|---|---|
| Embarcadero / Howard Street | 1 | 9.4 | 7.6 | 7.6 | 6.5 | 6.5 |
| PM Peak Hour | 8 | 7.9 | 6.5 | 6.5 | 5.6 | 5.6 |
| Embarcadero / Bryant Street | 1 | 5.8[b] | 10.9 | 10.9 | 9.6 | 9.6 |
| PM Peak Hour | 8 | 5.4[b] | 8.8 | 8.8 | 7.7 | 7.7 |
| Second / King Streets | 1 | 9.5 | 9.1 | 9.1 | 8.2 | 8.2 |
| PM Peak Hour | 8 | 7.9 | 7.5 | 7.5 | 6.8 | 6.8 |
| Main / Harrison Streets | 1 | 7.6 | 6.5 | 6.5 | 5.7 | 5.7 |
| PM Peak Hour | 8 | 6.6 | 5.7 | 5.7 | 5.1 | 5.1 |
| First / Harrison Streets[b] | 1 | 5.8 | 5.0 | 5.0 | 4.2 | 4.2 |
| PM Peak Hour | 8 | 5.4 | 4.7 | 4.7 | 4.0 | 4.0 |
| Main / Bryant Streets | 1 | 7.8 | 6.6 | 6.6 | 6.3 | 6.3 |
| PM Peak Hour | 8 | 6.8 | 5.8 | 5.8 | 5.5 | 5.5 |

[a] Concentrations relate to a location 10 meters from the edge of the roadways that form the intersection. The carbon monoxide analysis focuses on the evening (p.m.) peak-hour because the project's effects on traffic congestion and related carbon monoxide concentrations are greater during that period than during the morning (a.m.) peak hour. The UC Davis Transportation Project-Level Carbon Monoxide Protocol (Revised December 1997) was used to develop these estimates based on p.m. peak-hour traffic volumes prepared for this report. Carbon monoxide estimates shown above include background concentrations of 4.38 ppm, one-hour and eight-hour averages for existing conditions; 3.9 ppm, one-hour and eight-hour averages for 2004; and 3.48 ppm, one-hour and eight-hour averages for 2020.

[b] Concentrations were estimated using CALINE4 modeling as the UC Davis Screening Protocol indicated a potential for violation of the CO standard.

NOTE: The state one-hour average standard is 20 ppm; the state eight-hour average standard is 9 ppm.

SOURCE: Environmental Science Associates.

## Toxic Air Contaminants

The project would not emit quantifiable amounts of toxic air contaminants other than diesel particulates. Diesel particulates are mainly emitted from ships with a very minimal contribution from on road heavy-duty vehicles. Due to the low vapor pressure of diesel fuel, evaporative emissions during storage and fuelling operations would not be an important concern. Based on the results of dispersion modeling conducted for the Southern Waterfront project SEIR, emissions from the Cruise Terminal project would

not exceed the diesel risk threshold of 10 in a million. As the risk from the proposed project's emissions were well below the significance thresholds, dispersion modeling was not conducted.

### *CUMULATIVE IMPACTS*

According to the *BAAQMD CEQA Guidelines*, any proposed project that would individually have a significant air quality impact would also be considered to have a significant cumulative air quality impact. Because the project would exceed the significance criteria of 80 pounds per day for ROG, NOx and PM-10 in both analysis years 2004 and 2020, and the annual threshold of 15 tons per year for ROG and $NO_x$ in 2004 and for NOx and PM-10 in 2020, the project's cumulative impact on air quality of the region would be considered significant. Even with implementation of the trip reduction measures recommended by the BAAQMD included in Mitigation Measure E.2, the project would still result in a significant impact. It should be noted, however, that the project-specific significant and cumulative effects are largely a construct of the BAAQMD's analysis methodology, which is geared more to a single development project, rather than a series of project components analyzed together, as in this case. Also, the emissions estimates from ships do not take into account the new EPA regulations for ships built beyond 2004. Thus, the emissions estimated here should be considered a worst-case assumption.

Locally, emissions from project sources would be combined with emissions from other sources, primarily area traffic (local streets and freeways) from existing and future development in the greater project area and future ship activity at the Port. Although cumulative traffic volumes would increase by 2020, this increase would be partly offset by the reduction in emissions on a grams-per-mile basis. This is due to attrition of older, high polluting vehicles, improvements in the overall automobile fleet, and improved fuel mixtures (as a result of on-going State and federal emissions standards and programs for on-road motor vehicles). New EPA regulations require that, beginning in 2007, new ships reduce their NOx emissions and PM-10 emissions by 90%. Although there would probably be older ships visiting the Port in 2020, a considerable portion of the fleet would be subject to the new EPA regulations. Replacement with cleaner burning vehicles and ships by 2020 could result in reduced emissions.

However, even with the reduced emissions, the project is likely to result in a significant cumulative impact on regional air quality. This would be a significant unavoidable impact that cannot be mitigated.

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## REFERENCES – Air Quality

Acurex Environmental Corporation, *Marine Vessel Emissions Inventory and Control Strategies,* September 1999.

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Institute of Transportation Studies, University of California, Davis, *Transportation Project-Level Carbon Monoxide Protocol*, December 1997.

U.S. Environmental Protection Agency, Control of Emissions of Air Pollution from New Marine Compression-Ignition Engines at or Above 37 kW; Final Rule, Federal Register, December 29, 1999.

# F. SHADOW

Because the proposed Brannan Street Wharf project would involve only the removal of piers and the creation of open space, and not the construction of new permanent structures, the analysis in this section pertains only to the Cruise Terminal project. As such, throughout this section, the terms "project" and "project site" refer only to the Cruise Terminal project and its two components on Pier 30-32 and the seawall lot. The Brannan Street Wharf project site is included on the shadow diagrams[28] provided in this section and a brief discussion of the potential effects of the Cruise Terminal project and surrounding existing development on the Brannan Street Wharf project is included below.

## SETTING

Open space in the vicinity of the Cruise Terminal and Brannan Street Wharf project sites includes South Beach Park, a small green open space located where King Street transitions into The Embarcadero, and South Park, an oval green space located three blocks to the west between Second and Third Streets and Brannan and Bryant Streets. Herb Caen Way, a 3.2 mile-long linear pedestrian promenade, extends along The Embarcadero from Fisherman's Wharf southward to China Basin and provides open space along the waterfront. A new public open space to be named Rincon Park is planned for construction along the waterfront on the eastern side of The Embarcadero between Howard and Harrison Streets, one block north of the Bay Bridge. Other open spaces in the surrounding area are typically in the form of privately owned open space, such as inner courtyards located within the residential development at Bayside Village and the Delancey Street residential project, and small plazas and parks at the corners of The Embarcadero and Bryant, Brannan, and Townsend Streets.

### *SUNLIGHT ORDINANCE*

Section 295 of the Planning Code, the Sunlight Ordinance, was adopted through voter approval of Proposition K in November 1994 to protect certain public open spaces from shadowing by new structures. Section 295 prohibits the issuance of building permits for structures or additions to structures greater than 40 feet in height that would shade property under the jurisdiction of or designated to be acquired by the Recreation and Park Commission, during the period from one hour after sunrise to one hour before sunset, unless the Planning Commission, in consultation with the and Recreation and Park Commission, determines that such shade would have an insignificant impact on the use of such property. There are two public parks in the project vicinity, South Beach Park and South Park, that have the

[28] Only the portion of the Brannan Street Wharf project site that would be located between Pier 28 and Pier 30-32 is shown on these diagrams. However, no portion of the Brannan Street Wharf project site not shown on these diagrams would be impacted adversely by either existing shadow conditions or shadow effects that would be associated with the proposed Cruise Terminal project.

potential to be shaded by the project. However, South Park is the only park that is under the jurisdiction of the Recreation and Park Commission and, therefore, is protected by Section 295.[29]

## IMPACTS

### *SIGNIFICANCE CRITERIA*

Planning Code Section 295 generally prohibits issuance of permits for new buildings exceeding 40 feet in height that would cause significant new shadow on open space under the jurisdiction of the San Francisco Recreation and Park Commission between one hour after sunrise and one hour before sunset, at any time of the year. A project would have a significant effect if it would result in substantial new shadow on public open space under the jurisdiction of the Recreation and Park Commission during these hours.

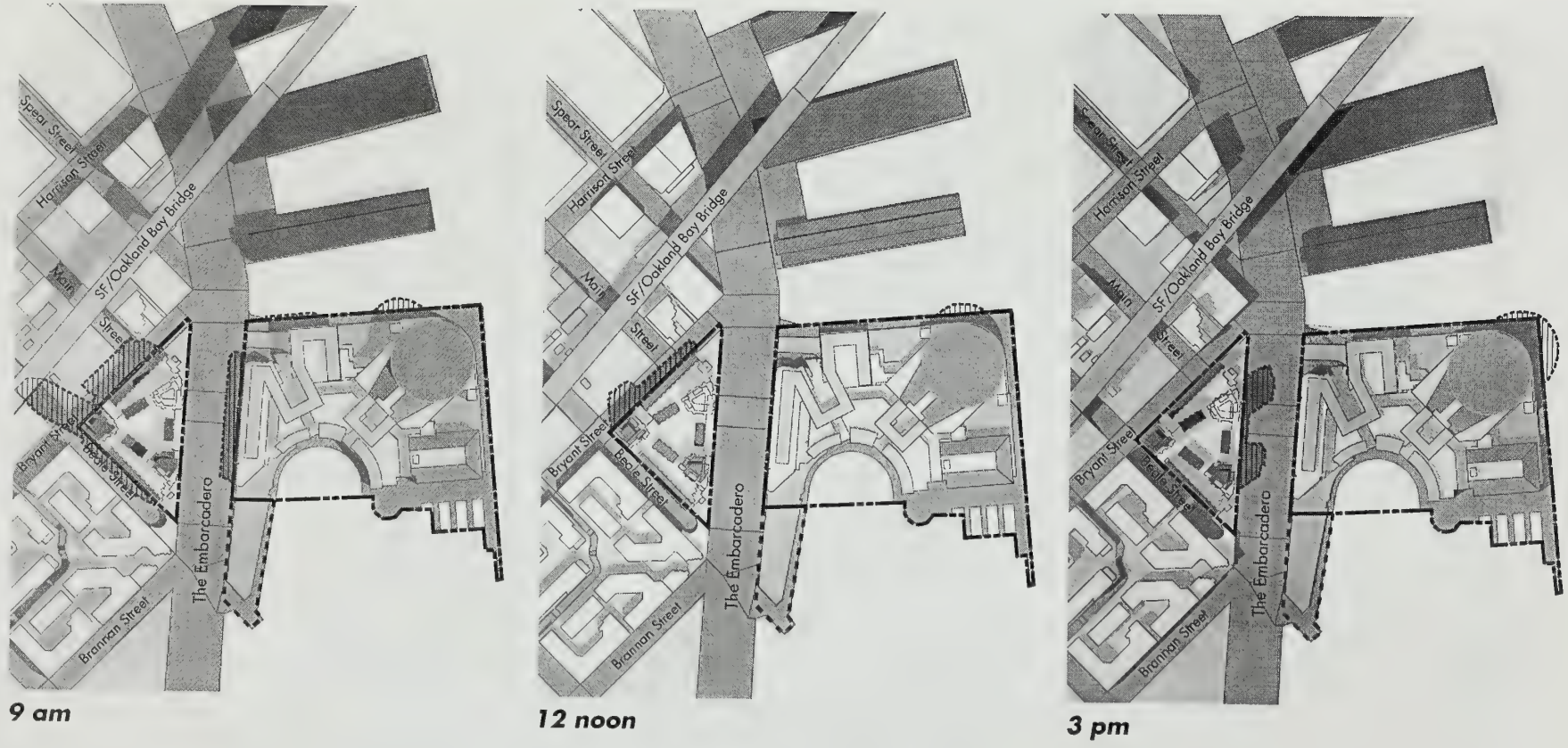
### *IMPACT ANALYSIS*

As determined by a shadow fan analysis conducted by the Planning Department, the project would not cast new shadow on any open space under the jurisdiction of the San Francisco Recreation and Park Commission between one hour after sunrise and one hour before sunset. Because South Park and South Beach Park are located at a considerable distance from the proposed project site and therefore no new shadow would be cast on either of these spaces as a result of the proposed project, this discussion will focus on the potential localized shadow effects attributable to the project on the blocks surrounding the project site (Pier 30-32 and the Seawall Lot 330).

Figures 31 through 34 illustrate project shadowing for representative times of day during the four seasons: in December on the winter solstice, when the sun is at its lowest and shadows are at their longest, and in June on the summer solstice, when the sun is at its highest and shadows are at their shortest. Shadows are also shown at the spring equinox, when shadows are midway through a period of shortening, and at the fall equinox, when shadows are midway through a period of lengthening. Shadows on any other day of the year would be within the range of shadows presented in Figures 31 through 34.

Figure 31 shows the maximum extent of new project shadow during the spring. During early morning hours, shadow from the proposed project would extend along the center of Beale Street towards Bayside Village, but would not actually reach the housing development. The shadow cast by the proposed residential tower at the southwest corner (located at the intersection of Beale and Bryant Streets) of the seawall lot would extend across the intersection to under the span of the Bay Bridge. At this time of the morning, when the sun is low on the horizon and shadows are long, shadow from the proposed project would extend about 100 feet from the project site. In the afternoon hours, net new shadow effects would be minimal. The proposed seawall lot residential structures fronting Bryant Street would cast shadows

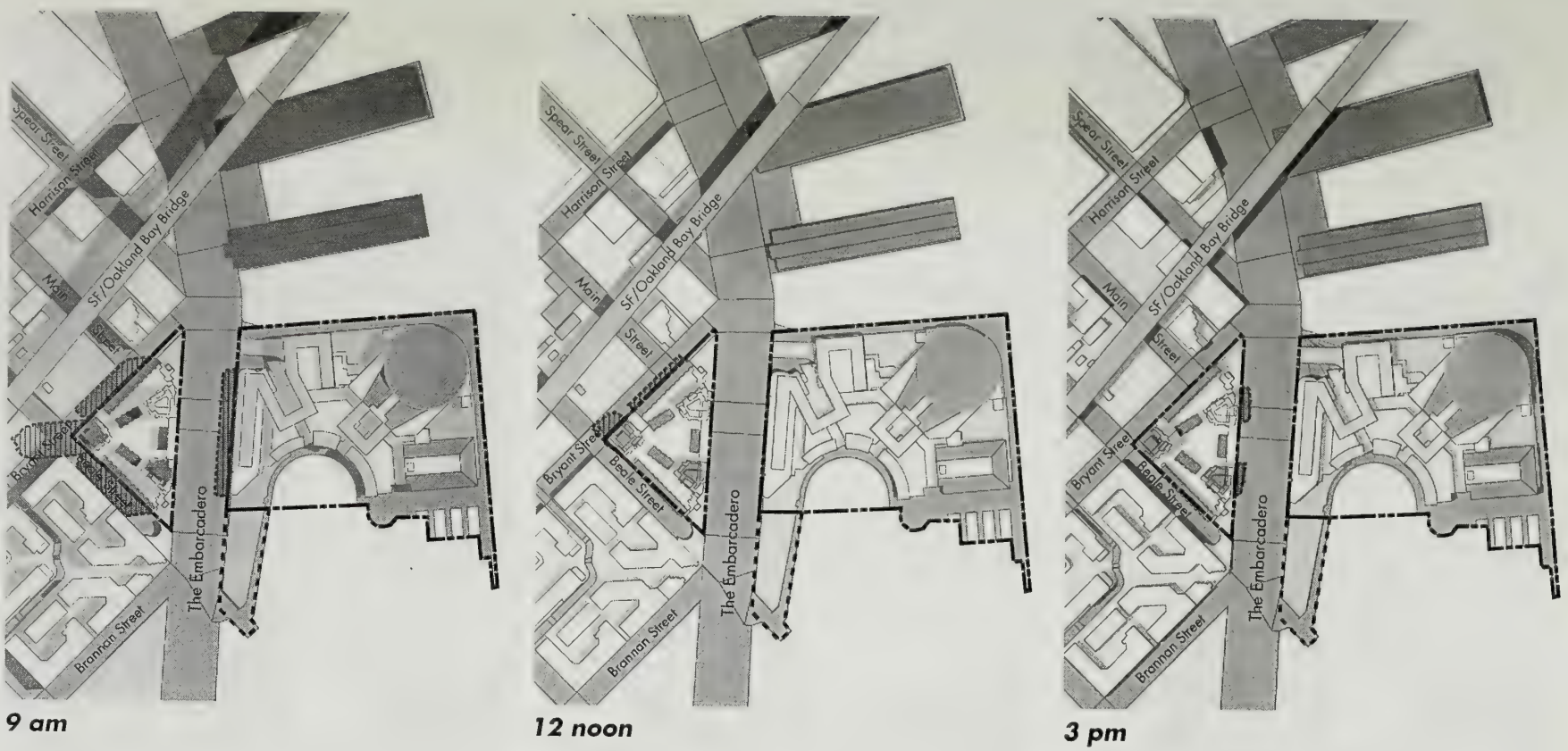
[29] South Beach Park is under the jurisdiction of the Redevelopment Agency and the Port, not the Recreation and Park Commission.




SOURCE: Environmental Science Associates



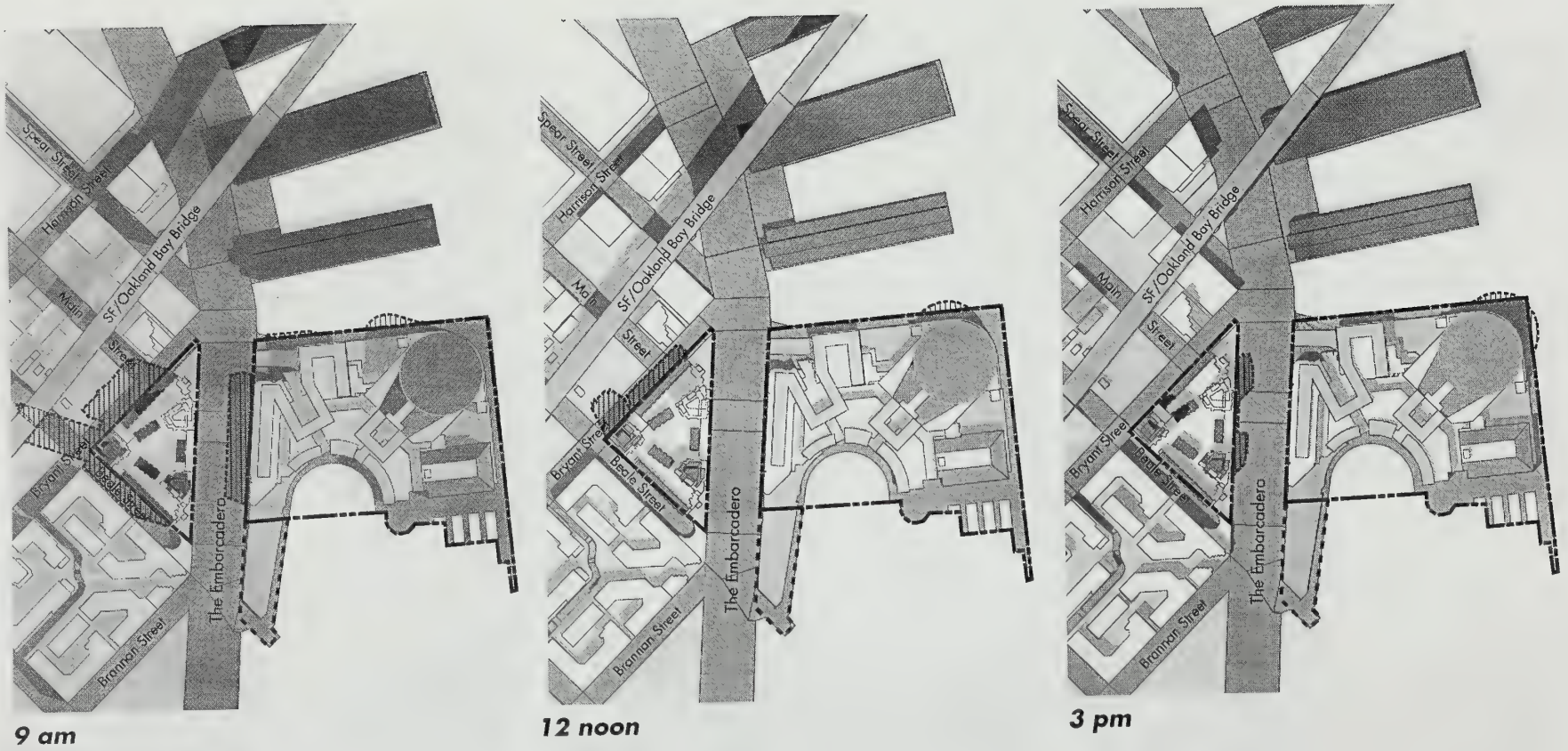
**Figure 31**
March 21 Shadow Patterns




SOURCE: Environmental Science Associates

*SF Cruise Terminal Mixed-Use Project and Brannan Street Wharf Project* ■

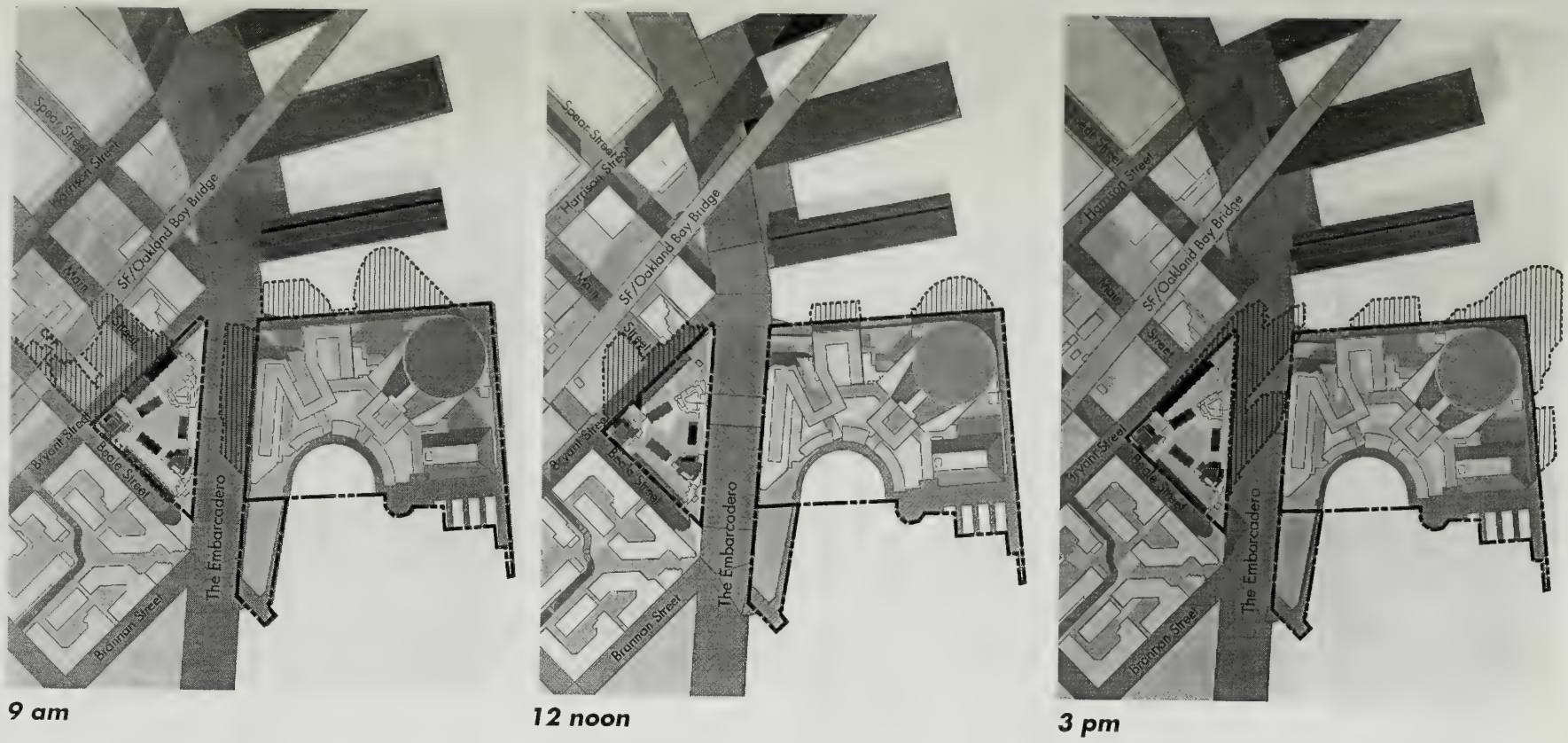
**Figure 32**
June 21 Shadow Patterns




*SF Cruise Terminal Mixed-Use Project and Brannan Street Wharf Project* ■

SOURCE: Environmental Science Associates

**Figure 33**
September 21 Shadow Patterns




SOURCE: Environmental Science Associates

*SF Cruise Terminal Mixed-Use Project and Brannan Street Wharf Project* ■

**Figure 34**
December 21 Shadow Patterns

onto Bryant Street and partially on the lot immediately to the south of the Bay Bridge span at the intersection of Bryant and Main Streets during midday. In the late afternoon, the proposed seawall lot residential towers fronting The Embarcadero would cast shadows onto a small portion of The Embarcadero. New shadows caused by the cruise ship terminal would be minimal and in the afternoon hours would be cast onto the water.

Figure 32 illustrates the shadow effects that would be caused by the project on the summer solstice. As is the case in the spring during the early morning hours, the proposed 17-story residential tower at the southwest corner of the seawall lot would cast a shadow across the intersection of Bryant and Beale Streets toward the span of the Bay Bridge. Beale Street would also be shadowed until the midday. As in spring, the shadows cast on the project's Beale Street frontage would not extend beyond into the Bayside Village residential development. During the midday hours, minimal shading would occur along Bryant Street, and in the late afternoon, there would also be a limited amount of shadow cast along The Embarcadero. During the late afternoon, the proposed cruise terminal on Pier 30-32 would cast some shadows along the eastern berthing apron, as well as in small disparate areas within the pedestrian plazas on the pier, but would remain within the project site boundaries.

Figure 33 depicts the shading effects during the fall equinox. At this time of the year, the position of the sun at a lower point on the horizon causes shadows to be longer. During the morning hours in the fall, net new shadow caused by the project would extend in a westward direction. The residential tower situated on the northwest corner of the project site would cast a shadow that would reach 120 feet to a point slightly past the span of the Bay Bridge. As in the spring and summer, Beale Street would remain shaded for a considerable portion of the morning, and net new shadow would be cast on Bryant and parts of Main Street. The proposed structures fronting The Embarcadero on Pier 30-32 would also add new shadow to The Embarcadero during the morning hours. Some new shading would also occur over the water. By late afternoon, new shadows would be cast in a northeasterly direction, with the proposed southeast and northeast seawall lot residential towers adding small areas of shade to The Embarcadero sidewalks.

Figure 34 illustrates the new shadow caused by the project during the winter solstice, when the sun has reached its extreme point of its northward motion in the sky, and the shadows cast are the longest. During the morning hours, the shadow cast by the project would extend to its furthest length northwestward during the winter season. The shadow cast by the residential tower located on the northwest corner of the seawall lot would extend beyond the span of the Bay Bridge to the Baycrest Condominium complex located on the east side of Beale Street. The lot fronting Beale Street immediately across from the project site would be shaded for a good portion of the morning until the afternoon hours. The structures fronting The Embarcadero would contribute new shadow onto the Embarcadero during the morning as well, covering about half the width of the street until at least midday. During the late afternoon hours, shadows cast by the project would extend to their maximum length northeastward. The proposed residential development on the seawall lot would shade most of The Embarcadero along the site in the late afternoon. The proposed cruise terminal would also cast long shadows over the Bay.

While the proposed project would add minimal new shadows to the project vicinity, the new shading caused by the project would not affect open spaces protected by Section 295 of the Planning Code such as South Park, other public open spaces such as South Beach Park, privately-owned publicly accessible open spaces, or private open spaces such as the one located within the inner courtyard at Bayside Village. Therefore, shadow impacts associated with the Cruise Terminal project would be considered less than significant.

Further, as shown in the shadow diagrams, because of its location to the south and east of the two components of the Cruise Terminal project site, the proposed Brannan Street Wharf park would not be affected by shadows caused by the Cruise Terminal project. Similarly, the Brannan Street Wharf open space would not be affected by shadows of existing nearby structures. As such, in addition to itself having a less than significant shadow effects, conditions on the Brannan Street Wharf project site would not be substantially affected by the proposed Cruise Terminal project.

## G. WIND[30]

Because the proposed Brannan Street Wharf project would involve only the removal of piers and the creation of open space, and not the construction of new permanent structures, the wind analysis summarized in this section pertains only to the Cruise Terminal project. As such, throughout this section, the terms "project" and "project site" refer only to the Cruise Terminal project and its two components on Pier 30-32 and the seawall lot. Two wind points were analyzed on the site of the proposed Brannan Street Wharf project so that the effects of the proposed Cruise Terminal project on the Brannan Street Wharf open space could be assessed. A discussion of those effects is included below.

### SETTING

Tall buildings and structures can strongly affect the wind environment for pedestrians. Groups of structures tend to slow the winds near ground level, due to the friction and drag of the structures themselves on winds. Buildings that are much taller than their surrounding buildings intercept and redirect winds that might otherwise flow overhead, and bring them down the vertical face of the building to ground level, where they create ground-level wind and turbulence. These redirected winds can be relatively strong and turbulent, and can be incompatible with the intended uses of nearby ground-level spaces. In addition, building designs that present tall, flat surfaces square to strong winds can create ground-level winds that can prove to be hazardous to pedestrians in the vicinity.

#### *REGULATORY FRAMEWORK*

The City Planning Code specifically outlines wind criteria for the Downtown Commercial District, the Rincon Hill, Van Ness Avenue, and South of Market Areas in Planning Code Sections 148, 249.1(a)(3), 243(c)(9), 263.11(c), respectively. The project site is not subject to any of these City Planning Code sections. However, due to the project's location on the waterfront and inclusion of buildings (on the seawall lot) of over 100-feet tall, the possibility exists that the project would cause significant wind effects. The purpose of the wind tunnel studies is to determine design-specific impacts based on the City's hazard criterion and to provide a basis for design modifications to mitigate these impacts. The proposed project would be required to meet this standard or to mitigate exceedances, should they occur, through building design.

City Planning Code Section 148, Reduction of Ground-Level Wind Currents in C-3 (Downtown Commercial) Districts, establishes a hazard criterion and also the methodology for wind tunnel testing, analysis and evaluation of wind conditions, used to prepare all environmental impact reports in San Francisco, regardless of a project's location. As such, even though the project site is located outside the Downtown Commercial District, the provisions of Section 148 would be applicable to the proposed project for the purposes of environmental analysis. Specifically, the exceedance of the hazard criterion

[30] This analysis is summarized from a Technical Memorandum, *Potential Wind Conditions, Proposed Bryant Street Pier Project*, Environmental Science Associates, May 22, 2001.

under Section 148 would be considered a significant environmental impact that requires mitigation, while the exceedance of either comfort criterion would be a less-than-significant environmental impact that would not require mitigation.

Planning Code Section 148 requires buildings to be shaped so as not to cause ground-level equivalent wind currents to exceed 11 miles per hour (mph) (pedestrian comfort criterion) in substantial pedestrian use areas more than 10 percent of the time, and 7 mph (seating comfort criterion) in public seating areas. Similarly, the Code requires that buildings not cause equivalent wind speeds to reach or exceed the hazard level of 26 mph as averaged for a single full hour of the year, or 0.011416 percent of the time (hazard criterion). The comfort criteria are based on wind speeds that are measured for one minute and averaged. In contrast, the hazard criterion is based on wind speeds that are measured for one hour and averaged; when stated on the same basis as the comfort criteria wind speeds, the hazard criterion wind speed is a one-minute average of 36 mph. The wind ordinance is defined in terms of equivalent wind speed. This term denotes an average wind speed (mean velocity), adjusted to include the level of gustiness and turbulence.

### *WIND TEST POINT LOCATIONS*

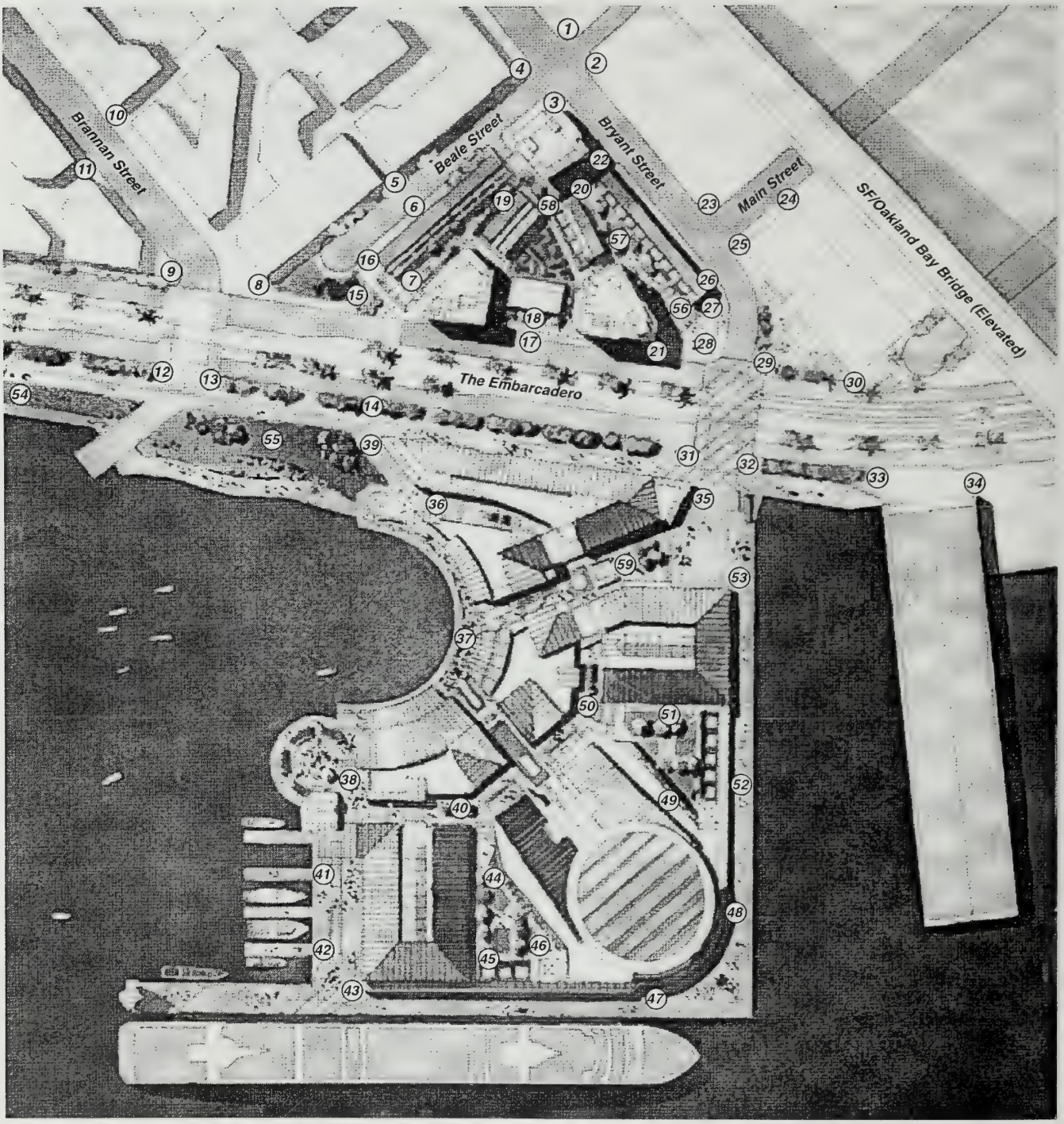
Fifty-nine test locations were studied for the project test scenario for the four prevailing wind directions: northwest, west-northwest, west and southwest, that are the most common in San Francisco, and are therefore the most representative for the evaluation of the proposed project. Twenty-one test locations were used to characterize existing wind conditions on the mostly vacant project site. In general, the testing focuses on locations within the project site and on the sidewalks of Bryant, Brannan and Beale Streets and The Embarcadero (see Figure 35).[31]

A total of 17 test points (#3, 6, 7, 15-22, 26-28, 56-58) are located in the interior project spaces and adjacent to the buildings on the seawall lot, with five points (#3, 22, 26-28) on the sidewalks of Bryant Street, three points (#3, 6, 16) on Beale Street sidewalks, and three points (#5, 17, 21) on The Embarcadero. Seven points (#7, 18-20, 56-58) are located in ground-level open spaces at the corners of the seawall lot and in private, podium-level open spaces interior to the seawall lot.

Twenty-four points (#33-55, 59) are located in spaces on or adjacent to Pier 30-32, with two points (#35, 39) in plazas adjacent to The Embarcadero Promenade, two points (#54, 55) in the Brannan Street Wharf open space, three points (#48, 52, 53) along the north apron of the pier, two points (#43, 47) along the east apron of the pier, four points (#37, 38, 41, 42) along the south docks of the pier, and nine points (#36, 40, 44-46, 49-51, 59) on plazas, walkways, and open spaces interior to the pier development.

Fifteen points (#8, 9, 12-15, 17, 21, 28-34) are located on The Embarcadero from Pier 28 to Brannan Street, with 8 points (#8, 9, 15, 17, 21, 28-30) on the west side and 7 points (#12-14, 31-34) on the east.

[31] For convenience, local north-south runs along Beale Street and east-west runs along Bryant Street. Wind directions will refer to true compass directions.




*SF Cruise Terminal Mixed-Use Project and Brannan Street Wharf Project* ■

SOURCE: SOM; Environmental Science Associates

**Figure 35**
Wind Test Point Locations

Fifteen points (#1-4, 22, 23, 25-33) are located on Bryant Street from The Embarcadero to Beale Street, with 8 points (#1, 2, 23, 25, 29, 30, 32, 33) on the north side and 7 points (#3, 4, 22, 26-28, 31) on the south. Nine points are located on the west side of Beale and five points (#2, 3, 6, 15, 16) on the east side of the street. Seven points (#8-14) are located on Brannan Street. Four points (#23-26) are located along Main Street from the Bay Bridge to Bryant Street.

### *EXISTING WIND CONDITIONS*

The existing setting consists of the existing buildings in the site vicinity, including The Brannan, which consists of three residential towers, and is now under construction.

The existing wind conditions are moderately windy; the average wind speed for all points measured is just over 10 mph. Twelve of these locations meet the Planning Code's pedestrian-comfort criterion value of 11 mph. The highest wind speeds in the vicinity occur at two points on the surface of Pier 30-32, at 14 and 16 mph. Existing wind speeds were measured at two locations on both the seawall lot and pier. The 12 mph speeds measured at the seawall lot represent wind speeds over most of the vacant site, so wind speeds there should exceed the pedestrian-comfort criterion. Wind speeds exceeding 14 mph on Pier 30-32 similarly represent wind speeds over the entire vacant pier, so existing wind speeds there should exceed the pedestrian-comfort criterion.

Existing wind speeds on the proposed Brannan Street Wharf project site are moderately windy; wind speeds range from 10 mph (#54) to 11 mph (#55). Directly across the street on the west side of The Embarcadero, wind speeds range from 9 mph (#12) to 10 mph (#13). All four of the test points near the Brannan Street Wharf project site meet the Planning Code's pedestrian-comfort criterion of 11 mph.

The Planning Code's wind hazard criterion is currently not exceeded at any of the tested locations in the project vicinity.

## IMPACTS

### *SIGNIFICANCE CRITERIA*

A project would normally have a significant impact if it would cause the 26-miles-per-hour wind hazard criterion established by Planning Code Section 148 to be exceeded for more than one hour per year. A project that would cause exceedances of the comfort criteria, but not the wind hazard criterion, would not be considered to have a significant impact.

### *IMPACT ANALYSIS*

With the proposed project, wind conditions would be considered moderately windy; the average wind speed for all 59 test points would be just over 9 mph, a decrease of about 1 mph from the existing average. Wind speeds in pedestrian areas would range from 4 mph to 16 mph. Wind speeds of 14 mph or more

would occur at two locations (#20, 48). Fifty three of the 59 locations would meet the Planning Code's pedestrian-comfort criterion value of 11 mph, while 6 locations would not (#20, 26, 41, 42, 48, 58).

Comparing only to the 20 points measured for existing conditions, the project would eliminate 7 exceedances (#59, 40, 48, 2, 9, 1, 4) and add no new exceedances, while one existing exceedance (#48) would continue. Compared to existing conditions, the project would increase wind speeds at four locations (#10, 29, 12, 54), leave wind speeds unchanged at six locations (#5, 24, 25, 23, 13, 11), and decrease wind speeds at 10 locations (#40, 59, 18, 4, 30, 8, 34, 2, 9, 1).

Under project conditions, the highest wind speeds would occur at one location (#20) on the podium of the seawall lot near the base of the tower at Beale and Bryant Streets, where the wind speed would be 16 mph, and at one point (#48) on the north apron of the pier, where the wind speed would be 15 mph. With the project, the Planning Code's wind hazard criterion would not be exceeded at any of the locations tested. As such, the proposed Cruise Terminal would have a less than significant effect on wind conditions.

With the project, wind speeds on the proposed Brannan Street Wharf project site would continue to be moderately windy; wind speeds would range from 10 mph (#54) to 11 mph (#55). Across the street from the Wharf site, on the west side of The Embarcadero, wind speeds would be 10 mph at both test locations (#12, 13). All four test points at or near the proposed Wharf open space would meet the Planning Code's pedestrian-comfort criterion of 11 mph. As such, in addition to itself having a less than significant effect on wind conditions, wind conditions on the Brannan Street Wharf project site would not be substantially affected by the proposed Cruise Terminal project.

# H. HAZARDOUS MATERIALS

## SETTING

This section focuses on hazardous materials issues identified at the Cruise Terminal and Brannan Street Wharf project sites. These issues were evaluated for both the Seawall Lot 330 and Pier 30-32 portions of the Cruise Terminal project site by a Phase I Environmental Site Assessment (February, 2001) conducted by Subsurface Consultants, Inc. (SCI).[32] A Phase I has not been prepared for the Brannan Street Wharf project site. This section discusses historical site uses, potential sources of hazardous materials, potential soil and groundwater contamination, and potential contamination associated with pier structural materials.

### *HISTORICAL USES*

On the Cruise Terminal project site, Seawall Lot 330 was originally developed in the late 1800s and used for docking of merchant ships at the Spear, Main, and Beale Street Wharves, which extended southeast off of Bryant Street (1887 Sanborn Map). Besides ship docking, businesses located at Seawall Lot 330 included the Oregon Improvement Store and freight/general storage facilities at the Beale Street Wharf. Details regarding uses after the 1906 earthquake to about 1935 are unknown due to lack of Sanborn Fire Insurance Maps, aerial photography, and building permit coverage. The Embarcadero was constructed along the east side of Seawall Lot 330 sometime before 1913, and train tracks were built along The Embarcadero and turned northwest onto Seawall Lot 330. Heavy usage of the site as a railroad boxcar yard lasted from as early as 1913 until the late 1960s or early 1970s. During the late 1970s, the seawall lot was generally inactive, except for a rectangular area of the west corner, at the intersection of Bryant and Beale Streets, which appeared to be used as a storage area and/or a contractor's yard. By 1979, use of the site as a vehicle parking area increased. Prior to 1989, the train tracks at Seawall Lot 330 were removed, and by 1993, the site was completely paved over at it appears today, being used as a parking lot and occasional location for special event staging. Seawall Lot 330 is bounded by Bryant Street, Beale Street, and the Embarcadero.

Piers 30 and 32 were constructed separately after the 1906 earthquake. Large warehouses on the piers were first constructed before 1935. The two piers were combined by bridging prior to 1955. The building currently occupied by Red's Java House was apparently first constructed at the foot of Pier 30 as early as 1923 and housed Franco's Lunch restaurant from 1955 until 1974. Prior to 1985, the warehouses on what is now Pier 30-32 were destroyed by fire and removed, and the site has been used for automobile parking and special event staging since at least the early 1990s.

On the Brannan Street Wharf project site, former Pier 34 and Pier 36 were also constructed following the 1906 earthquake. Large warehouses constructed later have since been removed. Pier 34, condemned and

[32] Information regarding Seawall Lot 330 and Pier 30-32 used in this report was derived from the Draft Phase I report prepared by Subsurface Consultants, Inc. dated February 21, 2001.

demolished earlier this year, was vacant for many years. A shed remains on Pier 36, and the pier is currently used for storage and bus parking.

### Subsurface Conditions

Seawall Lot 330 is underlain by approximately 15 to 20 feet of fill that is likely composed of building debris from the 1906 earthquake and dredge spoils from the Bay. The fill is underlain by approximately 20 feet of young Bay Mud, and depth to bedrock at the site is approximately 100 feet below ground surface (bgs). Groundwater is estimated to occur at a depth of 5 feet bgs, based on a site elevation of 5 feet above mean sea level, and the proximity of San Francisco Bay.

Pier 30-32 and Pier 36 are constructed on pilings over the water, although the marginal wharf portions of each pier (located between The Embarcadero and the piers) are concrete encased timber and steel piled structures with a concrete deck.

### Sources of Hazardous Materials

Hazardous materials are substances with certain chemical or physical properties that may pose a present or future hazard to human health or the environment when improperly handled, stored, disposed or otherwise managed. The Cruise Terminal and Brannan Street Wharf project sites contain potential sources of hazardous materials associated with fill materials, former industrial activity, materials in the existing piers, construction materials, and future project operations.

No signs of hazardous material concerns, such as hazardous material containers, above-ground storage tanks (ASTs), discolored soil or concrete, poor drainage, transformers, capacitors, or other potentially hazardous substances are located on Seawall Lot 330.

Information regarding Piers 30-32 and 36 underwater conditions are discussed in the Hydrology and Water Quality section of this report, Chapter III.D.

### Surrounding Properties

Neighboring properties are primarily comprised of residential buildings, municipal and light industrial facilities, and commercial businesses. Adjacent properties include:

- The Portside Condominiums (38 Bryant Street) and a 3-story office building (2 Bryant Street), bordering the site to the northwest between Spear and Main Streets;
- A Caltrans maintenance yard (434 Main Street) and the Bay Bridge pump station, which border the site to the northwest between Main and Beale Streets;
- A small parking lot, located across the intersection of Bryant and Beale Streets west of Seawall Lot 330; and

- The Bayside Village apartment complex (500-570 Beale Street), which borders the site to the southwest.

There were no potential hazardous materials concerns at these nearby properties except for a diesel AST (approximately 5,000 gallon capacity) and fuel pumping station located approximately 120 feet northwest of the site at the Caltrans maintenance yard (434 Main Street). The AST and pump appeared to be relatively new and in good working condition. SCI reported that no surface staining associated with fuel leaks or spillage were observed.

### Underground Storage Tanks

The environmental site assessment prepared for the Cruise Terminal project site indicated no historical or current evidence of underground storage tanks (USTs) at Seawall Lot 330. A gasoline station was located at the corner of Beale Street and The Embarcadero from approximately 1948 to 1958. Currently, the property is occupied by the Bayside Village apartment complex. Files at the San Francisco Department of Public Health (SFDPH) indicated that five (5) USTs associated with the former gasoline station have been removed, and that no further soil or groundwater remedial action was required. On this basis, it is unlikely that petroleum hydrocarbons associated with the former gasoline station remain at concentrations that would pose a human or environmental hazard at the project site. Neither of the proposed projects include the installation or use of USTs.

### Soil Contamination

Seawall Lot 330 is underlain by fill materials possibly containing debris from the 1906 earthquake and fire. It is likely that these fill materials and debris contain concentrations of various chemicals, such as petroleum hydrocarbons, lead and other metals, and polycyclic aromatic hydrocarbons (PAHs). PAHs are commonly found in soils along the San Francisco Bay fringe where historic land reclamation has occurred. A previous soil investigation conducted approximately 400 feet south of the seawall lot along The Embarcadero reported soil affected by elevated concentrations of total and/or soluble lead.

In addition, the seawall lot was used as a railroad boxcar yard from as early as 1913 until the late 1960s or early 1970s. Chemicals of concern associated with railroad operations include metals, petroleum hydrocarbons, polychlorinated biphenyls (PCBs), and volatile and semi-volatile organic hydrocarbons. No indications or evidence of suspected or documented releases of chemicals from boxcars or storage tank cars were reported in the Phase I assessment.

#### *Petroleum Hydrocarbons*

Gasoline contains more than 200 petroleum-derived and other constituents (RWQCB, 1989). Analysis for gasoline in a soil or groundwater matrix is commonly limited to detection of benzene, toluene, ethylbenzene, xylenes (BTEX), and Total Petroleum Hydrocarbons as gasoline (TPHg). These four constituents, which are readily measurable with conventional analytical methods, can pose a serious

threat to human health, have the potential to rapidly move through soil and groundwater, and their vapors are flammable and explosive.

Presently, there are no regulatory remediation ("cleanup") levels for petroleum hydrocarbons in soils. The local regulatory oversight agency usually determines the soil remediation goals on a case-by-case basis, depending on the particular conditions on the site. Considerations for remediation goals include the type of contaminant, future human health risks, potential for the contaminant to reach groundwater, extent of impacted soil and near-vicinity receptors.

### *Lead in Soils*

The presence of lead in soils above natural background levels can be a common occurrence in areas that were created by fill and in former industrial areas. Depending on the dose, overexposure to lead can result in chronic and acute health effects manifested by seizures, paralysis, convulsions and possibly death (Meyer, 1990). Possible sources of lead include lead additives in gasoline, lead-based exterior and interior paint, or former metalworking operations. Lead concentrations can also be elevated in fill materials similar to those that underlie the project site because fill can originate from building and industrial rubble containing or affected by sources of lead such as piping, coatings and other construction materials. The California Code of Regulations, Title 22, considers waste soil with lead hazardous if it exceeds a total concentration of 1,000 parts per million (ppm) and a soluble concentration of 5 ppm.[33] On April 7, 2001, SCI conducted soil sampling on Seawall Lot 330 that included five borings (to depths of 21.5 to 31.5 feet) and testing of 15 separate soil samples. Subsequent analysis of the collected samples indicated elevated soluble lead concentrations existing in on-site subsurface fill material exceed 5 ppm (SCI, 2001b). Elevated lead concentrations were also reported in soil samples collected within approximately 400 feet south of the seawall lot.

### *Polycyclic Aromatic Hydrocarbons*

PAHs area a group of organic chemicals found in a wide variety of materials, including crude oil, asphalt, and creosote. Most refined petroleum products also contain PAHs, either retained from the original crude or produced during the refining process. PAHs are also produced as combustion products and therefore occur in many burned or charred materials. Chemically, PAHs have high to very high molecular weights, have low solubility in water, and tend to adhere to soil particles. These factors result in generally high mobility of PAHs in the environment. Elevated concentrations of PAHs may occur in soils or offshore sediment due to the presence of historic fill and the variety of previous uses in the area.

### *Polychlorinated Biphenyls*

PCB-containing fluids can withstand high temperatures and were commonly used as insulating materials in electrical transformers or added to heat-transfer and hydraulic systems. In the 1960s, PCBs were

[33] Analysis of the soluble concentration is performed to assess the waste's ability to "leach" lead from a landfill environment into the underlying groundwater.

determined to cause adverse health effects in humans and their use was discontinued. PCBs are very stable and persist in the environment for extended periods of time (Meyer, 1990).

## *REGULATORY FRAMEWORK*

Hazardous materials are defined in a number of ways. Under California law, a hazardous material is defined as, "...any material that, because of its quantity, concentration, or physical or chemical characteristics poses a significant present or potential hazard to human health and safety or to the environment if released." Hazardous materials include, but are not limited to, "...hazardous substances, hazardous waste, and any material which a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or environment (Cal. Health & Safety Code §25501(o))."

Under federal and California law, a hazardous material is a "waste" when it is discarded (Cal. Health & Safety Code §25124). Discarded materials include those which: (1) are relinquished (i.e., disposed of, burned or incinerated, or accumulated, stored or treated before being relinquished); (2) are recycled; (3) pose a threat to public health or the environment (and are inadequately or improperly labeled, or packaged in a damaged or deteriorating container); or (4) are considered inherently waste-like according to regulations adopted by the Department of Toxic Substances Control. Discarded materials are considered hazardous waste if the material exhibits the characteristics of a hazardous waste, or is listed as a hazardous waste and has not otherwise been excluded (Title 22, Cal. Code of Regulations §66261.3).

### Federal

The U.S. Environmental Protection Agency (U.S. EPA) is the lead agency responsible for enforcing federal regulations that affect public health or the environment. The primary federal laws and regulations include the *Resource Conservation and Recovery Act* of 1976 (RCRA) and the *Hazardous and Solid Waste Amendments* enacted in 1984; the *Comprehensive Environmental Response, Compensation and Liability Act* of 1980 (CERCLA); and the *Superfund Act and Reauthorization Act* of 1986 (SARA). Federal statutes pertaining to hazardous materials and wastes are contained in the *Code of Federal Regulations* (CFR), Title 40.

### State

California hazardous materials laws incorporate federal standards, but are often stricter than federal laws. The primary state laws include the *California Hazardous Waste Control Law* (HWCL), the State equivalent of RCRA, and the *California Hazardous Substance Account Act*, the State equivalent of CERCLA. State hazardous materials and waste laws are contained in the *California Code of Regulations* (CCR) Titles 22 and 26. State underground storage tank laws and regulations are contained in the CCR Title 23.

The California Department of Toxic Substances Control (DTSC) enforces hazardous materials and waste regulations in California, in conjunction with the U.S. EPA. The DTSC is responsible for regulating the management of hazardous substances including the remediation of sites contaminated by hazardous substances. The Regional Water Quality Control Board (RWQCB) is authorized by the State Water Resources Control Board to enforce provisions of *the Porter - Cologne Water Quality Control Act* of 1969. The Bay Area Air Quality Management District (BAAQMD) may also impose specific requirements on remediation and other activities to protect ambient air quality from dust or other airborne contaminants.

### Underground Storage Tanks

State laws also regulate USTs containing hazardous substances. These laws are primarily found in the Health and Safety Code, and, combined with CCR Title 23, comprise the requirements of the State UST program. The laws contain requirements for UST permitting, construction, installation, leak detection monitoring, repairs and corrective actions and closures. In accordance with state laws, the San Francisco Department of Public Health implements UST regulations in the City and County of San Francisco.

### Local Ordinances

Three local ordinances meet or exceed state and federal requirements for site investigations and the storage of hazardous substances. These include San Francisco Public Works Code, Article 20, Section 1000 *et seq.* (the "Maher Ordinance"); San Francisco Municipal Code, Article 21 (the Hazardous Materials Ordinance); and San Francisco Municipal Code, Article 22 (the Hazardous Waste Ordinance). The relevant portions of Articles 20 and 22A (which effectively implement the Maher Ordinance) come into play at the time of application for Building Permit(s).

#### *Maher Ordinance*

The 1986 Maher Ordinance as amended requires an investigation of hazardous materials in soil at certain construction sites as a prerequisite for any building permit. The Maher Area encompasses the area of the city Bayward of a historic, pre-1906 earthquake high tide line. This area is largely the part of San Francisco created by landfill where past industrial land uses and debris fill associated with the 1906 earthquake and Bay reclamation often left hazardous residue in local soils and groundwater.

The Maher Ordinance requires that, if more than 50 cubic yards of soil are to be disturbed and the project is on fill, or is at a location designated for investigation by the director of the Department of Public Health, applicants for building permits must, among other things, prepare a site history and analyze the site's soil for hazardous materials. The seawall lot component of the Cruise Terminal project site is subject to the Maher Ordinance because an excess of 50 cubic yards of soils would be disturbed for construction and it is bayward of the historic high tide line. Because soil sampling conducted on the seawall lot indicated that hazardous wastes are present in the soil, site mitigation (remediation) would be required.

### *Hazardous Materials Ordinance*

The Hazardous Materials Ordinance provides for safe handling of hazardous materials in the City. Any person or business that handles, sells, stores, or otherwise uses hazardous materials in quantities exceeding specified thresholds and for specified periods, is required by Article 21 to register the hazardous materials with the Department of Public Health and prepare and implement certain plans and reporting procedures.

### *Hazardous Waste Ordinance*

The Hazardous Waste Ordinance provides for safe handling of hazardous wastes in the City. The ordinance incorporates the state requirements for hazardous waste described in Section 6.5 (Hazardous Waste Management) of the California Health and Safety Code as well as the accompanying regulations found in CCR Title 22.

### *San Francisco Building Code – Chapter 36*

Construction and renovation activities must comply with Chapter 36 of the San Francisco Building Code, Work Practices for Exterior Lead-Based Paint. If any work as part of the project would disturb or remove lead paint on the exterior of a building constructed prior to December 31, 1978, Chapter 36 requires specific notification and work standards, and identifies prohibited work methods and penalties. Chapter 36 applies to buildings or steel structures on which original construction was completed prior to 1979 (which are assumed to have lead-based paint on their surfaces), where more than ten total square feet of lead-based paint would be disturbed or removed. The regulating ordinance contains performance standards, including establishment of containment barriers that are at least as effective at protecting human health and the environment as those in the most recent *Guidelines for Evaluation and Control of Lead-Based Paint Hazards* promulgated by the U.S. Department of Housing and Urban Development.

## IMPACTS

This section describes potential impacts related to the proposed projects and any legally required remediation and abatement measures that would be implemented to reduce or eliminate potential impacts. On the basis of this environmental review, no significant impacts that cannot be mitigated are identified.

### Significance Criteria

Hazardous materials impacts would be considered significant for the purposes of this EIR if they were to create a potential public health hazard or involve the use, production or disposal of materials that pose a hazard to people or animal or plant populations in the affected area. Impacts would also be considered significant if the proposed project would interfere with emergency response plans or emergency evacuation plans.

Definition, identification, and determination of threshold levels of hazardous materials are provided in CFR Title 40 and in the CCR Titles 22 and 26. Hazardous material means a substance or combination of substances that, because of its quantity, concentration or physical, chemical or infectious characteristics, may pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of or otherwise managed (Harte, 1991). Determination of "substantial" hazard or "significant" levels of hazardous materials is performed on a case-by-case basis, although generally there are regulatory guidelines for determining acceptable levels and/or public health risks associated with exposure to hazardous materials.[34]

## *IMPACT ANALYSIS*

### Soil Contamination

As stated above, files at SFDPH indicated that five USTs associated with the former gasoline station have been removed, and that no further soil or groundwater remedial action was required. On this basis, it is unlikely that petroleum hydrocarbons associated with the former gasoline station remain at concentrations that would pose a human or environmental hazard at the project site. However, as stated above, on-site subsurface fill material sampled on the seawall lot indicate elevated soluble lead concentrations.

The project site is located within the area covered under the Maher Ordinance and must meet the requirements for contaminated soil provided in the ordinance. Compliance with the Maher Ordinance requires testing of subsurface soil to determine the magnitude and extent of soil contamination. As discussed above, SCI has already conducted subsurface testing on the seawall lot using procedures required by SFDPH, although SFDPH would have to determine if additional testing is required.

SFDPH implements the Maher Ordinance and would require full compliance with the Maher Ordinance prior to construction of the proposed project. Based on completed subsurface investigations that revealed hazardous constituent concentrations in the soil on the seawall lot, the Cruise Terminal project sponsor would be required to submit a Site Mitigation Plan (SMP) to appropriate agencies, including the San Francisco Department of Public Health, as part of the project. The construction contractor would handle and dispose of excavated soils properly, employ worker health and safety and dust control procedures, and have a State Registered Professional Geologist or Engineer certify, at the completion of foundation activities, that all elements of the SMP have been performed in compliance with Article 20 requirements. Compliance with the Maher Ordinance would reduce any potential impacts related to soil or groundwater to a less than significant level.

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[34] Health risk evaluations are generally conducted in accordance with guidelines contained in the 1994 Cal EPA *Preliminary Endangerment Assessment Manual* and the U.S. EPA 1989 *Risk Assessment Guidance for Superfund, Volume 1, Human Health Evaluation Manual, Part A, Interim Final* as supplemented by later guidance documents. While there is some latitude in how to apply these guidelines, a risk assessment is generally conducted under the oversight of a regulatory agency to ensure that the risk assessment appropriately reflects potential health risks posed by a site.

## Other Hazardous Materials

### *Asbestos*

The Brannan Street Wharf project would include removal of Pier 36, including an existing shed building on Pier 36. The Cruise Terminal project would involve the partial reconfiguration and structural upgrading of Pier 30-32. Potential exposure to asbestos, and the resulting adverse health effects, is possible throughout the demolition and renovation phases, if materials that contain hazardous substances are present during operations. The shed located on Pier 36 and any structural materials located atop pier pilings should be sampled prior to demolition and if asbestos is identified, these materials must be abated in accordance with applicable law prior to construction.

Section 19827.5 of the California Health and Safety Code, adopted January 1, 1991, requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. BAAQMD is vested by the California legislature with authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement, and is to be notified ten days in advance of any proposed demolition or abatement work.

Notification includes the names and addresses of operations and persons responsible; description and location of the structure to be demolished/altered including size, age and prior use, and the approximate amount of friable asbestos; scheduled starting and completion dates of demolition or abatement; nature of planned work and methods to be employed; procedures to be employed to meet BAAQMD requirements; and the name and location of the waste disposal site to be used. BAAQMD randomly inspects asbestos removal operations. In addition, the BAAQMD will inspect any removal operation about which a complaint has been received.

Further, the local office of the State Occupational Safety and Health Administration (OSHA) must be notified of asbestos abatement to be carried out. Asbestos abatement contractors must follow state regulations contained in 8 CCR 1529 and 8 CCR 341.6 through 341.14 where there is asbestos-related work involving 100 square feet or more of asbestos-containing material. Asbestos removal contractors must be certified as such by the Contractors Licensing Board of the State of California. The owner of the property where abatement is to occur must have a Hazardous Waste Generator Number assigned by and registered with the Office of the California Department of Health Services in Sacramento. The contractor and hauler of the material is required to file a Hazardous Waste Manifest that details the hauling of the material from the site and the disposal of it. Pursuant to California law, the Department of Building Inspection (DBI) would not issue the required permit until the applicant has complied with the notice requirements described above.

These regulations and procedures, already established as a part of the permit review process, would ensure that any potential impacts due to asbestos related to either project would be reduced to a less than significant level.

### *Lead-based Paint and Lead Pipes*

Demolition work associated with removal of the shed on Pier 36 as part of the Brannan Street Wharf project could create exposure to paint materials containing lead, a potential hazard. Dust-generating activities that include removal of walls, sanding, welding, and material disposal could produce airborne quantities of lead-laden material. These materials could expose workers and persons in close proximity, including off-site locations. In addition, lead piping may be located in structural materials atop pilings supporting Piers 30-32 and 36.

Precautions and work practices in compliance with the San Francisco Building Code, Chapter 36, must be initiated to appropriately handle areas identified as containing lead-based paint. The ordinance also identifies prohibited practices that may not be used in disturbance or removal of lead-based paint. Any person performing work subject to the ordinance shall make all reasonable efforts to prevent migration of lead paint contaminants beyond containment barriers during the course of the work, and any person performing regulated work shall make all reasonable efforts to remove all visible lead paint contaminants from all regulated areas of the property prior to completion of the work.

The ordinance includes notification requirements, contents of notice, and requirements for signs. Notification includes notifying bidders for the work of any paint-inspection reports verifying the presence or absence of lead-based paint in the regulated area of the proposed project. Prior to commencement of work, the responsible party (owner or contractor) must provide written notice to the Director of Building Inspection of the location of the project; the nature and approximate square footage of the painted surface being disturbed and/or removed; anticipated job start and completion dates for the work; whether the responsible party has reason to know or presume that lead-based paint is present; whether the building is residential or non-residential, owner-occupied or rental property; the approximate number of dwelling units, if any; the dates by which the responsible party has or will fulfill any tenant or adjacent property notification requirements; and the name, address, telephone number, and pager number of the party who will perform the work. (Further notice requirements include Sign When Contaminant is Required, Notice by Landlord, Required Notice to Tenants, Availability of Pamphlet related to protection from lead in the home, Notice by Contractor, Early Commencement of Work [by Owner, Requested by Tenant], and Notice of Lead Contaminated Dust or Soil, if applicable.)

The ordinance also contains provisions regarding inspection, sampling, and enforcement, and describes penalties for non-compliance with the requirements of the ordinance. These regulations and procedures required as part of the San Francisco Building Code would ensure that potential impacts due to lead-based paint would be reduced to a less than significant level. Disposal of any lead piping in an appropriate landfill facility would reduce potential impacts to a less than significant level.

## Creosote Treated Lumber

The Brannan Street Wharf project would involve removal of Pier 36 as well as the marginal wharf between Pier 30-32 and Pier 36, and potentially reaching to Pier 38. As part of the Cruise Terminal project, plans include the partial reconfiguration and structural upgrading of Pier 30-32, potentially

including some of the marginal wharf adjacent to the pier. The pilings that support the marginal wharf are composed of wooden timbers treated with creosote and encased in concrete to protect against deterioration. Creosote-treated lumber is not classified as hazardous waste and can be reused in other settings. For example, railroad ties treated with creosote are commonly placed in residential gardens as architectural borders. However, creosote-treated lumber must ultimately be disposed of in an approved landfill Class II lined cell, accompanied by the proper manifest. Ingestion of liquid creosote or creosote-laden materials, inhalation of liquid creosote vapors, or dermal contact with liquid creosote can be hazardous to human health. Removal of timber piling is not expected to create hazards to worker health and safety, as creosote would not be handled in a liquid form, and creosote concentrations in the pilings are likely to have decreased over time. Proper disposal of creosote-treated lumber in pier pilings would reduce potential impacts to a less than significant level.

### Hazardous Materials Used in Operation

The proposed project would not involve transportation, storage, use or disposition of hazardous materials as business objectives. The transportation and dispensing of motor vessel fuel would all occur over the water subject to water quality regulations discussed in Chapter III.D, Hydrology and Water Quality, of this document. Compliance with applicable laws and regulations would reduce potential adverse environmental impacts associated with the transportation, storage, use and disposition with any other hazardous materials used in operation of the project to a less than significant level. Specifically, a Hazardous Materials Business Plan would be developed and maintained in good standing by operators of project facilities in conformance with Article 21 of the Public Health Code, City and County of San Francisco. Similarly, operators of project facilities would be required to comply with all other applicable local, state and federal laws and regulations relating to the handling, storage, use, transportation, and disposition of hazardous materials.

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# I. GROWTH INDUCEMENT

San Francisco consistently ranks as one of the most expensive housing markets in the United States. San Francisco is the central city in an attractive region known for its agreeable climate, open space and recreational opportunities, cultural amenities, strong and diverse economy, and prominent educational institutions. As a regional employment center, San Francisco attracts people who want to live close to where they work. These factors continue to support strong housing demand in the City. New housing to relieve the market pressure created by the strong demand is particularly difficult to provide in San Francisco because the amount of land available for residential use is limited, and because land and development costs are high. An estimated 311,400 households resided in San Francisco in 1995. By 2015, San Francisco households are expected to increase by 32,200 households, a 10 percent increase.[35]

In general, a project would be considered growth-inducing if its implementation would result in substantial population increases and/or new development that might not occur if the project were not approved and implemented. The proposed Cruise Terminal project would introduce a variety of new uses to the Cruise Terminal project site, including residential, retail, entertainment, office, and maritime. As a development in a highly urbanized area with an existing infrastructure in place, the project would not be expected to substantially alter development patterns in the Northeastern Waterfront area or elsewhere in San Francisco. In fact, as discussed in Section III.A, Land Use, Plans, and Policies, the San Francisco General Plan and the Port of San Francisco's Waterfront Plan specifically identify the project site for the type of development proposed as part of the project. The same would be true for the Brannan Street Wharf project.

The proposed Cruise Terminal project would result in a net increase in floor area of 100,000 gross square feet (gsf) of cruise terminal space, 220,000 gsf of retail space, and 370,000 gsf of office space, compared to existing conditions. In the context of existing and future patterns of development, growth in the number of households, and demand for housing, this net change would not represent a substantial population growth or concentration in the neighborhood, city or region. With completion of construction of the Cruise Terminal project, Pier 35 may no longer be used as a cruise terminal. As a result, the Port may seek to redevelop Pier 35 for other yet-to-be-determined uses. At such time that a proposal is considered for redevelopment of Pier 35, an appropriate level of CEQA analysis would be prepared specific to that proposal.

Further, the Cruise Terminal project would introduce 350 new residential units into the project neighborhood. Given the increasingly residential character of the South Beach area, the mixed-use nature of that project, and the location of the project site in a densely developed urban area, the Cruise Terminal project would not necessitate or induce the extension of municipal infrastructure. In view of the above, there is no reason to believe that the Cruise Terminal project would result in additional development in

[35] San Francisco Planning Department *Interim Transportation Impact Analysis Guidelines for Environmental Review,* January 2000; and Keyser Marston Associates, Inc., *San Francisco Cumulative Growth Scenario: Final Technical Memorandum,* prepared for the San Francisco Redevelopment Agency, March 30, 1998.

the project vicinity that would not otherwise occur. Similarly, the proposed Brannan Street Wharf open space, which would be constructed in a dense urban context with a wide variety of uses, would not necessitate or induce the extension of municipal infrastructure or result in additional development in the project vicinity that would not otherwise occur.

Although housing affordability and availability remains an important policy issue in San Francisco and throughout the Bay Area, project employment, even if it were to represent all new residents, would result in a small contribution to overall housing demand, and would not be considered significant. The project would not be expected to induce any substantial amount of new growth, either residential or commercial.

# J. OTHER ENVIRONMENTAL ISSUES ADDRESSED IN THE 1997 WATERFRONT PLAN EIR

As noted in Chapter I, Introduction, the Port of San Francisco Waterfront Plan EIR was certified on January 9, 1997. That EIR analyzed environmental impacts resulting from implementation of the Waterfront Plan, including: public plans and policies; land use; population, housing and employment; transportation; noise; air quality; visual quality and urban design; biological resources; geology, soils, and seismicity; hydrology and water quality; public services and utilities; energy; hazards and hazardous materials; historic architectural resources; and archaeological resources. The EIR analyzed the environmental effects for the entire Waterfront Plan Project Area, which, as discussed above in Section III.A, Land Use, Plans, and Policies, spans from India Basin in the south (approximately Pier 98) to Hyde Street Pier in the north (approximately Pier 47). This analysis was done for three scenarios, including a No Project Alternative and two development alternatives representing two different levels of development intensity. The project area encompasses five subareas, including the South Beach/China Basin subarea in which the Cruise Terminal and Brannan Street Wharf project sites are located.

Below is a brief discussion of each of the environmental issues addressed in the Waterfront Plan EIR for which the Cruise Terminal and Brannan Street Wharf projects would not have the potential to create new or different environmental effects than those already analyzed in that EIR. These issues include energy, noise, biology, geology, soils and seismicity, historic architectural resources, archaeological resources, and public services and utilities. Although neither of the proposed projects would have the potential to result in new significant effects with respect to any of these issues, this section does provide relevant additional project-specific information.

In some instances, implementation of appropriate mitigation measures identified in the Waterfront Plan EIR would still be required to lessen potential significant effects to a less than significant level. As such, all of the mitigation measures (and, where relevant, improvement measures) included in the Waterfront Plan EIR that are applicable to the proposed project with respect to any of these issues are incorporated herein by reference.

## 1. ENERGY

The Waterfront Plan EIR includes an Energy impact section (Section V.L, pp. 612-616) that analyzes the expected construction- and operation-related energy effects. The Waterfront Plan concluded that no significant impacts would occur as a result of development under any of the alternatives of the proposed Waterfront Plan.

As discussed in the Waterfront Plan EIR (p. 310), new buildings in San Francisco are required to conform to energy conservation standards specified by Title 24 of the California Code of Regulations. The efficiency standards apply to new construction of both residential and non-residential buildings, and regulate energy consumed for heating, cooling, ventilation, water heating, and lighting. Documentation

showing compliance with these standards is submitted with the application for the building permit. Title 24 is enforced by the Department of Building Inspection.

The Waterfront Plan EIR (p. 613) indicates that the need for construction of new transmission facilities or generating facilities to provide electricity or natural gas would need to be assessed on a case-by-case basis when specific requirements of individual projects are known. Neither of the proposed projects would result in the need for construction of additional energy production facilities and therefore would not result in environmental effects associated with construction of such facilities. Further, the Cruise Terminal project would meet current state and local codes concerning energy consumption and would not inherently cause a wasteful use of energy. The Brannan Street Wharf project would not involve construction of new structures or otherwise create a substantial demand for energy. Therefore, effects related to energy consumption would be less than significant for both projects.

## 2. NOISE

The Waterfront Plan EIR includes a Noise impact section (Section V.E, pp. 509-520) that analyzes expected construction-related noise effects and operational noise effects, including noise from traffic, building equipment, and increased maritime activity. The Waterfront Plan concluded that no significant impacts would occur as a result of development under any of the alternatives of the proposed Waterfront Plan. Further, no specific impacts were identified specific to the South Beach/China Basin subarea in which the project sites are located.

Generally, vehicle traffic must double in volume to produce a noticeable increase in noise levels. Traffic volumes in the vicinity of the project site would not be expected to double as a result of the Cruise Terminal project. Therefore, substantial increases in traffic noise in the project area would not be anticipated. Freight loading activities would increase markedly, because the project would represent an introduction of new uses to a site where there is currently no activity. However, given the project's location in a dense urban area where regular loading activity is common, noise associated with loading activities would not be substantial. In addition, if Mitigation Measure C.6 is implemented, freight deliveries on the seawall lot would be limited to between 3:30 p.m. and 6:30 p.m. The Wharf project would not result in any noise increases related to traffic since it is not considered to generate unique vehicle trips.

The State of California has prepared guidelines for determining the compatibility of various land uses with different noise environments. For office uses, the guidelines recommend that necessary noise insulation features be included in new construction in areas where the noise levels are greater than about 68 Ldn (day-night background noise level). For multi-family residential uses, the recommendation applies when noise levels are greater than about 60 Ldn.

To ensure that occupants of existing and proposed residential units are not adversely affected by proximity to traffic noise, standard noise insulation measures would be included as part of the design for the proposed Cruise Terminal project, as required under Title 24 of the California Code of Regulations.

Such standards are applicable to construction of multi-family dwelling units and require that exterior noise be attenuated such that the interior noise level of any habitable room not exceed 45 dBA. The Department of Building Inspection would review the final building plans to insure that the building wall and floor/ceiling assemblies meet State standards regarding sound transmission.

Further, the Waterfront Plan EIR states that land uses that would be developed in the South Beach/China Basin subarea under all alternatives are generally similar to those uses that exist in the area (as well as those that would be developed under the proposed projects). Existing open space and public access and residential land uses in and near the South Beach/China Basin subarea "are located in an area that regularly experiences maritime and surface traffic noise and would not be substantially affected by proposed uses." As such, cruise-ship-related noise, such as intermittent ship whistles, would not be considered unusual or substantially disruptive.

The Cruise Terminal project would include mechanical equipment, such as air conditioning units and chillers, that could produce operational noise. These operations would be subject to the San Francisco Noise Ordinance, Article 29 of the San Francisco Police Code. The project would be required to comply with Article 29, Section 2909, "Fixed source noise levels," which regulates mechanical equipment noise. The project would be required to comply with these noise limits. Since equipment noise would be limited by the ordinance to 60 dBA during the night and 70 dBA during the day, the project's operational noise would generally not exceed ambient noise levels in the project area. The Wharf project would not include any substantial noise-producing mechanical equipment.

With regard to both projects, demolition and/or building construction would temporarily increase noise in the site vicinity. Construction noise levels would fluctuate depending on construction phase, equipment type and duration of use, distance between noise source and listener, and presence or absence of barriers. During the construction period, temporary construction noise would be noticed by neighboring residents and retail and office workers. Construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the City Police Code). The ordinance requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA at a distance of 100 feet from the source. Impact tools (such as jackhammers and impact wrenches) must have both intake and exhaust muffled to the satisfaction of the Director of Public Works. Section 2908 of the Ordinance prohibits construction work between 8:00 p.m. and 7:00 a.m., if noise would exceed the ambient noise level by five dBA at the project property line, unless a special permit is authorized by the Director of Public Works.

At times during construction, noise levels would disturb surrounding building occupants and could interfere with indoor activities in nearby buildings. Noise impacts would be temporary and intermittent in nature and limited to the period of construction. Further, project construction would comply with the San Francisco Noise Ordinance.

In light of the above, noise associated with the operation and construction of both the Cruise Terminal and Wharf projects would be less than significant.

## 3. BIOLOGICAL RESOURCES

The Waterfront Plan EIR includes a Biological Resources impact section (Section V.H, pp. 548-560) that analyzes the expected effects on marine biological resources caused by pier removal, pier repair and replacement, dredging, removal and addition of fill, and increased stormwater runoff. The Waterfront Plan EIR concluded that except for the potential short-term significant effects to Pacific herring as a result of repair or replacement of pier pilings during the December to March spawning period, no significant impacts would occur as a result of development under the proposed Waterfront Plan. Further, no impacts were identified specific to the South Beach/China Basin subarea in which the project sites are located.

The proposed projects would involve pier removal, pier repair and replacement, dredging, removal and addition of fill, and increased stormwater runoff, but at less intensive levels than analyzed in the Waterfront Plan EIR. In addition, Mitigation Measure H.1 from the 1997 Waterfront Plan EIR, which would limit pier repair and replacement work to outside the Pacific herring spawning period, has been included in this SEIR (see Chapter IV). As such, with implementation of the mitigation identified in the Waterfront Plan EIR, neither the Cruise Terminal or Wharf project would be expected to result in significant impacts on biological resources.

## 4. GEOLOGY, SOILS, AND SEISMICITY

The Waterfront Plan EIR includes a Geology, Soils, and Seismicity impact section (Section V.I, pp. 561-582) that analyzes the expected safety effects caused by soil settlement and subsidence, demolition, pile driving, and earthquake and tsunami hazards. The Waterfront Plan EIR found that, except for potential effects associated with the increased risk of injuries and structural and non-structural damage associated with earthquakes, all other impacts could be mitigated to a less than significant level (see Chapter IV for a list of the relevant mitigation measures from the 1997 Waterfront Plan EIR that are included in this SEIR). The identified earthquake hazard is derived in large part from the soils of the area and the potential collapse of buildings. Further, new construction would be expected to perform better in large earthquakes, but would not necessarily eliminate all potential hazards. However, the Waterfront Plan EIR notes that ground shaking would be highly variable in intensity and type from one site to another, because of the way geologic materials respond to ground shaking and because the effect of the shaking would be related to building form and massing, foundation type, structural design, materials, construction quality, and location relative to other buildings.

The project sites are not in an Alquist-Priolo Special Studies Zone, and no known active fault exists on or in the immediate vicinity of the sites. The closest active faults are the San Andreas Fault, 7 miles to the west, and the Hayward Fault, 12 miles to the east. Like the entire San Francisco Bay Area, the project sites are subject to ground shaking in the event of an earthquake on these faults, although surface rupture is unlikely. The project sites are located in an area of liquefaction potential, a Seismic Hazards Study Zone designated by the California Division of Mines and Geology.

The Wharf project would be entirely constructed over fill, much of which would be replaced or repaired. Further, the proposed Wharf project would involve demolition of a potentially unsafe structure and would not involve construction of any new buildings. Therefore, while the Wharf project would increase the number of people that use the project site, the project would not be subject to unstable soils or the potential collapse of buildings.

The pier component of the Cruise Terminal would be entirely constructed on Pier 30-32, which would undergo a substantial seismic structural upgrade (see Section II.D for description of these improvements). Except for the 1,500 square-foot Red's Java House structure, all buildings on the pier would be new construction. The seawall lot component of the project would be constructed on soils in a liquefaction zone, but all buildings on the site would be new construction.

For any development proposal in an area of liquefaction potential, the Department of Building Inspection (DBI) will, in its review of the building permit application, require the project sponsor to prepare a geotechnical report pursuant to the State Seismic Hazards Mapping Act. (Preliminary geotechnical investigations by a California-licensed geotechnical engineer have been prepared for both components of the project site that will be finalized before submittal of the building permit application.) DBI would assess the nature and severity of the hazard(s) on the site and recommend project design and construction features that would reduce the hazard(s).

To ensure compliance with all San Francisco Building Code provisions regarding structural safety, when DBI reviews the geotechnical report and building plans for a proposed project, it will determine necessary engineering and design features for the project to reduce potential damage to structures from ground shaking and liquefaction. Therefore, potential damage to structures from geologic hazards on the project site would be mitigated through the DBI requirement for a geotechnical report and review of the building permit application pursuant to its implementation of the Building Code.

As discussed on page 570 of the Waterfront Plan EIR, projects that require a BCDC permit (as would both the Cruise Terminal and Wharf projects) may be required to obtain approval from BCDC's Engineering Criteria Review Board (ECRB). The ECRB is empowered to establish and revise safety criteria for structures (such as piers) or other types of fills on top of Bay Mud or for structures on fill that have already been placed over Bay Mud. The ECRB reviews projects for specific safety provisions, makes design recommendations, prescribes inspection systems to ensure placement of fill according to approved designs, and gathers performance data from specific development projects. The ECRB's activities are intended to complement the functions of local building departments.

In addition, mitigation measures from the 1997 Waterfront Plan FEIR (Measures I-1, I-3, I-4, I-5, I-7, I-8, I-9, I-10, and I-11) that address a variety of potential geology, soils, and seismicity effects have been included in this SEIR (see Chapter IV).

As such, neither the Cruise Terminal or Wharf project would result in any new significant impacts associated with soils, geology, or seismicity that were not analyzed in the Waterfront Plan EIR. However,

the significant unavoidable impact associated with the increased risk of injuries and structural and non-structural damage related to earthquakes identified in the Waterfront Plan EIR would not be reduced to a less than significant level.

## 5. HISTORIC ARCHITECTURAL RESOURCES

The Waterfront Plan EIR includes an Historic Architectural Resources impact section (Section V.N, pp. 630-637) that analyzes the expected effects on historic architectural resources caused by demolition or inappropriate alteration of architecturally significant structures. The Waterfront Plan EIR indicates that there would be significant impacts in locations with structures identified as Significant or Potentially Significant as a result of development under the proposed Waterfront Plan. A discussion of the South Beach/China Basin subarea, as supplemented by a map (Map 46) that graphically delineates Significant and Potentially Significant resources within the Waterfront Plan study area, indicates that no such resources are located on either the Cruise Terminal or Wharf project site.

This assessment was based on historic resource surveys described and summarized in the Waterfront Plan EIR, which included a 1996 survey prepared by Architectural Resources Group (ARG) of all historic resources north of China Basin. The ARG survey used Secretary of the Interior criteria and identified resources that were potentially eligible individually or collectively for listing on the *National Register of Historic Places* (National Register). The ARG survey included assessments of Pier 30-32 (which would be altered by the Cruise Terminal project), Red's Java House (which would not be altered by the Cruise Terminal project), and the pier and shed at Pier 36 (which would be demolished as part of the Wharf project), concluding that they appeared ineligible for National Register consideration. The ARG survey also identified resources that would be potential contributors to a waterfront historic district. Pier 30-32, Red's Java House, and the pier and shed at Pier 36 were listed in the "non-contributing" category of resources along the waterfront.[36]

After certification of the Waterfront Plan EIR in 1997, the Port developed and adopted, as part of the Waterfront Plan, the *Waterfront Design and Access Element* (Design and Access Element). The Design and Access Element contains Port-wide policies that focus on enhancement and expansion of public access and open space; urban design and architectural criteria; and preservation of historic resources. The historic resource policies were formulated based on surveys identified and summarized in the Waterfront Plan EIR.

With respect to Pier 30-32, the Design and Access Element promotes a bold architectural design that emphasizes its waterfront setting, and provides site-specific criteria to achieve this. The detailed design criteria build upon one of the Waterfront Plan's development standards for the Bryant Street Pier Opportunity Area, to "require a high standard of design which is appropriate to the prominence of the site and establishes a new architectural identity for waterfront development in the South Beach area."

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[36] *Port of San Francisco Historic Resources Data Base*, Architectural Resources Group, November, 1996.

Historic resources policies of the Design and Access Element identified historic resources that would be preserved consistent with Secretary of the Interior Standards, and provided direction on further analysis to be conducted for other specified resources to determine preservation, rehabilitation and reuse standards. Pier 30-32, Red's Java House, and the pier and shed at Pier 36 are not cited as relevant resources in these policies.

From 1997 to 2000, the Port and BCDC worked intensively to develop cooperative amendments to their respective plans for the San Francisco waterfront to establish consistent policies. One of the many issues addressed was preservation of historic resources. As a result of that three-year process, the Port Commission and BCDC approved amendments to the Port's Waterfront Plan and BCDC's San Francisco Waterfront Special Area Plan in July, 2000 that included a schedule for nominating a National Register historic district containing Port historic structures between Fisherman's Wharf and China Basin. Accordingly, the Port has secured funds and hired an historic preservation consultant to prepare the National Register historic district nomination by or before June, 2002. A draft of the nomination is not expected to be available for review before January, 2002. Based on the historic surveys produced to date, it is not anticipated that Pier 30-32, Red's Java House, or the pier and shed on Pier 36 will be included in the nomination.

The projects incorporate many features identified by the Port as consistent with and enhancing the City's historic waterfront, including incorporation of public access surrounding the pier, the PortWalk, retaining views of the water and provision of new public open space. The projects would be subject to the waterfront design review process to ensure compatibility of the overall design with the Waterfront Land Use Plan policies, including compatibility of the projects with the historic waterfront.

As such, neither the Cruise Terminal or Wharf project would have the potential to result in significant impacts on existing historic architectural resources or the planned waterfront historic district.

## 6. ARCHAEOLOGICAL RESOURCES

The Waterfront Plan EIR includes an Archaeological Resources impact section (Section V.O, pp. 638-643) that analyzes the expected effects resulting from the disturbance of subsurface cultural resources caused by excavation associated with development. The Waterfront Plan EIR concluded that portions of the project area have a high potential for containing significant buried archaeological resources, but that the potential impacts on these resources is in large part a function of the amount of excavation that would occur. The Waterfront Plan EIR further concluded that, "In areas where little or no excavation is anticipated under, or would otherwise be encouraged by, the WLUP, essentially no impact to archaeological resources would be expected."

The Wharf project would be constructed entirely on pier or wharf structures and would therefore not have the potential to disturb subsurface resources. Similarly, the pier component of the Cruise Terminal project would be built entirely on Pier 30-32 and the adjacent marginal wharf. The seawall lot component of the Cruise Terminal would be constructed on a site reclaimed from the Bay following the 1906

Earthquake and Fire and where soil would be disturbed. However, development on the seawall lot would involve only minimal soil disturbance, and grading of the site would only disturb soil previously disturbed over the past nearly 100 years of the site's use as a railyard and parking lot.

As such, neither the Cruise Terminal or Wharf project would have the potential to result in significant impacts to archaeological resources.

## 7. PUBLIC SERVICES AND UTILITIES

The Waterfront Plan EIR includes a Public Services and Utilities impact section (Section V.K, pp. 600-611) that analyzes the expected effects resulting from the increased in demand for public services and utilities, such as schools, fire and police, and water. The Waterfront Plan concluded that services are generally available to support increases in development and activity associated with all alternatives and therefore no significant environmental effects would occur.

The proposed Cruise Terminal project would incrementally increase demand for and use of public services and utilities on the site and increase water consumption, but not in excess of amounts expected and provided for in the project area, and would not be expected to have any measurable impact on public services or utilities. Because the project would provide open space, it would have a negligible effect on the demand for recreational facilities in the vicinity. Development of the Wharf project, which would not result in any substantial increase in demand for services and utilities, would further the provision of recreational facilities for the vicinity. Moreover, both projects would be undertaken in a fully built-out area of downtown San Francisco, where all utilities and services are currently provided for; no need for any expansion of public utilities or public service facilities is anticipated. As such, neither the Cruise Terminal or Brannan Street Wharf project would have the potential to result in significant impacts to public services and utilities.

# CHAPTER IV
## MITIGATION AND IMPROVEMENT MEASURES

Subsequent to initial approval on January 9, 1997, of the Port of San Francisco's 1997 Waterfront Land Use Plan FEIR (including the mitigation measures contained therein), the Port Commission adopted Resolution 97-50 on June 24, 1997, approving the Waterfront Land Use Plan. The adopted resolution included an amended set of the mitigation measures identified in the FEIR (provided in this SEIR in their entirety as Appendix F). Some of these measures are included here, but have been modified to address more specifically the adverse or potentially adverse environmental impacts associated with the projects analyzed in this SEIR. These measures include a notation indicating the corresponding measure from the Waterfront Plan FEIR. Additional measures are referenced in this chapter (and listed in Appendix F) because they are directly applicable to the projects analyzed in this SEIR. Finally, some of the measures that the Port Commission adopted in connection with the Waterfront Land Use Plan are not applicable to the projects analyzed in this SEIR, and therefore, are not included in this SEIR.

In addition, in the course of project planning and design, additional measures have been identified that would reduce or eliminate potential significant environmental impacts associated with the proposed Cruise Terminal and Brannan Street Wharf projects. Measures identified by this SEIR or those that may have been rejected by the project sponsor(s) may be required by the Port Commission, the Planning Commission, and other decision-making bodies as conditions of project approval, if either of the projects were to be approved. Measures provided below that do not indicate a corresponding measure from the Waterfront Plan FEIR were identified by this SEIR.

Each mitigation measure is discussed below. In addition, recommended Improvement Measures have been provided below that would serve to reduce adverse environmental effects that were not at a significant level. For each set of measures, an indication is provided of whether the measures apply to the Cruise Terminal project, the Brannan Street Wharf project, or both projects.

# C. TRANSPORTATION, CIRCULATION AND PARKING

## MITIGATION MEASURES *(Cruise Terminal Project)*

### *INTERSECTION TRAFFIC*

### Existing Plus Project Conditions

C.1 **The Embarcadero/Bryant Street Intersection –**

a. Widen the eastbound approach at The Embarcadero/Bryant Street intersection. Eliminate the painted median on Bryant Street between The Embarcadero and Main Street, in order to add a third travel lane to the eastbound approach of the intersection. Re-stripe for one left-turn lane, one through lane, and one right-turn lane. Realignment of the curb and widening of Bryant Street width would be necessary if the additional lane is continued from The Embarcadero west to Main Street. If the current street width were maintained on Bryant Street, the length of the additional turn lane would be restricted to approximately two car lengths. *(Corresponds to 1997 Waterfront Plan FEIR Mitigation Measure D-4)*

c. The Department of Parking and Traffic should consider modifying the southbound traffic signal at The Embarcadero/Bryant so that the left-turn movement has a green arrow instead of a flashing yellow left-turn signal. *(Corresponds to 1997 Waterfront Plan FEIR Mitigation Measure D-4)*

C.2 **Transportation Demand Management Program** – To alleviate the impacts of vehicle trip generation to the project site, it is recommended that a Transportation Demand Management (TDM) Program be implemented to reduce potential automobile trips and to reduce related impacts, such as the demand for parking. A copy of the *San Francisco Cruise Terminal Mixed-Use Project TDM Program* is included in Appendix H. *(Corresponds to 1997 Waterfront Plan FEIR Mitigation Measure D-7)*

C.3 **Intelligent Transportation Management System (ITMS)** – To mitigate traffic impacts at LOS E and LOS F intersections, the project sponsor should work with the Department of Parking and Traffic (DPT) to determine an appropriate level of contribution to the DPT ITMS program to provide changeable message signs, video cameras, and other traffic flow control measures along The Embarcadero and King Street.

### Cumulative Conditions

C.4 **The Embarcadero/Howard Street Intersection** – Add a third travel lane to the eastbound approach on Howard Street by removing parking on the south side of the street. This would allow room for two left-turn lanes and one right-turn lane. (If this mitigation measure is not implemented, the Department of Parking and Traffic should consider striping the existing right lane for left and right turns. It has been observed that drivers are using both lanes to make left turns.) *(Corresponds to 1997 Waterfront Plan FEIR Mitigation Measure D-4)*

### *TRANSIT*

C.5 Additional transit capacity should be added to the Southeast MUNI screenline to accommodate the increased demand for service. Based on analysis, the addition of 107 peak hour transit spaces (seats plus standees) would bring the transit capacity back to the acceptable level of service, 96 percent capacity utilization. The project sponsor's share of that increase in transit capacity would equate to about 17 percent of the new capacity. If an effective Transportation Demand Program (TDM) program is implemented, the project sponsor's fair share would potentially increase. Demand under either scenario could be accommodated by the peak hour addition of a streetcar or by providing an historic streetcar for operation upon initiation of E-Line service.

C.6 As requested by MUNI, the project sponsor shall contact the MUNI Special Events office as needed to alert them to special events at Pier 30-32 that would place extra demand on MUNI services.

### *TRUCK LOADING*

The following mitigation measures are recommended to minimize the disruption to traffic along Bryant Street while trucks maneuver into the loading bays serving the seawall lot component of the Cruise Terminal project:

C.7 Relocate the freight loading bays proposed for the seawall lot component of the project to Beale Street to eliminate the potential conflict with traffic on Bryant Street during the weekday commute periods; or

C.8 Prohibit freight deliveries to the proposed seawall lot component of the project during the afternoon PM peak period (between 3:30 and 6:30 PM).

### *PEDESTRIAN SAFETY*

C.9 Work with the Department of Parking and Traffic and the Port to identify and implement measures, such as redesigning the Pier 30-32 driveway as an intersection with curbed corners and a signal controlled pedestrian crossing or installing pedestrian signals at the project driveway on the promenade to alert pedestrians to the heavy volume of traffic crossing the promenade at Bryant Street.

C.10 A pedestrian countdown signal should be installed on the pier side of The Embarcadero at the project driveways at Bryant Street and north of Brannan Street.

### *GENERAL MITIGATION*

C.11 Upon issuance of permits approving the proposed project, the project sponsor shall become an active participant in the Ballpark/Mission Bay Transportation Coordinating Committee and work with the committee to develop traffic and parking plans for the project.

# IMPROVEMENT MEASURES IDENTIFIED IN THIS SEIR *(Cruise Terminal Project)*

## *PARKING*

C.1 The project sponsor should work with the San Francisco Giants' management to identify alternative locations that would be available for Pac Bell Park parking when the spaces on Pier 30-32 and Seawall Lot 330 are displaced.

C.2 The Port of San Francisco should identify an alternative location to accommodate Fisherman's Wharf tour bus parking displaced from Pier 30-32. The availability of this lot should be publicized to ensure that potential users are aware of its location.

C.3 As prescribed by the Department of Parking and Traffic, the garage on Pier 30-32 should have an electronic sign clearly alerting drivers when the garage is full and minimizing the potential for queuing on The Embarcadero.

### *CONSTRUCTION*

C.4 Any temporary lane closures associated with the project should be restricted to off peak hours between 9:00 AM and 3:30 PM.

C.5 Project sponsor should identify an off-street location for temporary construction worker parking that would minimize the parking impacts on the neighborhood during construction of the project.

C.6 Temporary lane closures or disruptions that would impact traffic flows or MUNI operations should be coordinated with Department of Parking and Traffic and MUNI's Street Operations/Special Events office.

## D. HYDROLOGY AND WATER QUALITY

### MITIGATION MEASURES *(Cruise Terminal Project Only)*

### *SHIP-RELATED IMPACTS ON WATER QUALITY*

D.1 The project sponsors shall prohibit cruise ships using the Piers 30-32 cruise terminal from releasing incidental or intentional discharges to San Francisco Bay until such time as new wastewater treatment methods that adequately meet water quality standards are authorized by state or federal agencies specifically empowered by statute to make such authorization. (The federal government already imposes "no discharge" requirements for the Gulf of the Farallones and Cordell Bank marine sanctuaries.) The types of prohibited discharges would include sewage, gray water, hazardous waste, solid waste, and fuel or oil-related substances. This prohibition in San Francisco Bay will be achieved by initiating and maintaining a program that would include, at a minimum:

- a requirement that cruise ships comply with existing or future laws and regulations regarding discharge of sewage, gray water, hazardous waste, solid waste, and fuel or oil-related substances into San Francisco Bay;
- working with government agencies having jurisdiction over San Francisco Bay water quality to ensure compliance with the program;
- implementation of a reporting mechanism between the cruise ship line and cruise terminal operator that would include monitoring of discharge operations while in San Francisco Bay and, as necessary, sampling while at berth at Piers 30-32 to insure compliance with the discharge prohibition;
- reporting by the cruise ship terminal operator to the Coast Guard and the Regional Water Quality Control Board all incidental or intentional discharges to the Bay;

- the establishment of a mechanism and contract provision whereby the Port retains the right to deny berth access for those cruise ships that violate the prohibition or repeatedly carry out unauthorized wastewater discharges; and

- the establishment of a water quality advisory group to the Port Commission that would meet on a regular basis, which would include representatives of the cruise lines, Coast Guard, Regional Water Quality Control Board, the Port, San Francisco Cruise Terminal LLC (SFCT), the cruise terminal operator, the San Francisco Bar Pilots, at least one environmental organization whose primary stated purpose is to address San Francisco Bay water quality issues, and the Rincon Point-South Beach Citizens Advisory Committee to address cruise ship discharge issues. This advisory group would make recommendations to the Port Commission for the implementation and/or enforcement of measures to prohibit discharges into San Francisco Bay.

D.2 The project sponsors shall initiate and maintain a program to prohibit cruise ships using the proposed cruise ship terminal from releasing unauthorized ballast water discharges into San Francisco Bay unless until such time as ballast water treatment is specifically authorized by a state or federal agency specifically empowered by statute to make such authorization. This prohibition shall be achieved by initiating and maintaining a program, prior to the use and operation of the proposed cruise ship terminal, which would have requirements that are at least as protective as the requirements of California Public Resources Code Section 71200 *et seq.* (A.B. 703) and subsequent regulations applicable to cruise ships that pertain to the management of ballast water for the control of non-indigenous species. The program will also include, at a minimum:

- review by the project sponsors of cruise lines' process with relation to ballast water management;

- implementation of a reporting mechanism between the cruise ship line and the cruise terminal operator that would include monitoring of operations while in San Francisco Bay;

- reporting by the cruise terminal operator to the U.S. Coast Guard and the State Lands Commission staff of all incidental or intentional discharges to the Bay;

- the establishment of a mechanism and contract provision whereby the Port retains the right to deny berth access for those cruise ships that violate the prohibition of the discharge of ballast water into San Francisco Bay or are repeated/habitual offenders of the State ballast water law;

The establishment of a water quality advisory group to the Port Commission of San Francisco (the Port) that would meet on a regular basis which would include representatives of cruise lines, U.S. Coast Guard, the State Lands Commission, Regional Water Quality Control Board, the Port, San Francisco Cruise Terminal LLC (SFCT), the cruise terminal operator, the San Francisco Bar Pilots, at least one environmental organization whose primary stated purpose is to address San Francisco Bay water quality issues, and the Rincon Point-South Beach Citizens Advisory Committee to address ship ballast water management, and if necessary, enforcement. This advisory group would review and make recommendations on the components of the program to the Port Commission and shall also review and evaluate new technologies for treating ballast water when such technologies are approved by the appropriate federal or state agency or other agencies with statutory jurisdiction over approval of such technologies. The advisory group shall recommend to the Port Commission strategies to incorporate such new technologies that the group deems appropriate into the project or to impose requirements for such new technologies on cruise ships using the Piers 30-32 cruise terminal facilities.

# IMPROVEMENT MEASURES *(Both Projects)*

## *STORMWATER RUNOFF*

D.1 To minimize the potential for water quality degradation from stormwater runoff, the Port should require that all tenants implement source control Best Management Practices consistent with those identified in the San Francisco Water Pollution Prevention Program and the Industrial/Commercial Storm Water Best Management Practices Handbook. Measures that could be implemented include, but are not limited to, the following:

- Training employees about the importance of stormwater pollution prevention, about proper material and waste storage/handling/disposal techniques, about spill/leak prevention and clean-up, and about emergency response;

- stenciling "Protect the Bay—Don't Dump" next to on-site storm drains;
- inspecting and cleaning if necessary, storm drain inlets and catch basins within the pier development before October 1 of each year;
- maintaining a spill response plan and training employees in the use of the plan;
- providing adequate secondary containment for working and storage areas to protect drains from spills and to make spill clean-up easier;
- properly containing and covering all solid and liquid wastes, especially during transfer;
- cleaning up spill immediately;
- prohibiting use of hazardous cleaning agents outdoors;
- designing loading/unloading areas to isolate these areas so that spills or leaks can be contained and cleaned, such as using berms or grade breaks and routing roof downspouts away from loading/unloading areas;
- keeping areas clean with regular sweeping of paved areas and removal of trash;
- prohibiting discharge of process water to storm drains;
- employing appropriate containment measures for fuel, lube oil, waste oil, and any other hazardous materials that may be handled or stored on-site, to capture potential spills;
- no steam cleaning/pavement cleaning water will be discharged directly into the Bay; and
- installing grease and sediment traps at vehicle maintenance and washing areas to prevent contaminating stormwater.

### *OPERATIONAL WATER QUALITY*

D.2 The Port should work with the City and other agencies, such as Golden Gate National Recreation Area, to obtain and assure funding for annual updating of the San Francisco Oil Spill Prevention and Response Plan (OSPRP). The Port should also require the Cruise Terminal operator to develop a site-specific OSPRP to supplement the general San Francisco plan, maintain a contract with the spill response calendar, and maintain on-site first-response supplies.

### *CONSTRUCTION WATER QUALITY*

D.3 The project sponsor should require contractors to prepare and implement a Storm Water Pollution Prevention Plan consistent with control measures identified in the San Francisco Water Pollution Prevention Program and those required under the statewide General Permit for Storm Water Discharges Associated with Construction Activity. Measures that could be implemented include, but are not limited to, the following:

- scheduling excavation and grading activities for dry weather periods;
- controlling the amount of runoff crossing the site using berms or temporary drainage ditches to divert water from the site;

- protecting storm drains in the vicinity of the site with berms or filters, even during dry weather;
- cleaning out catch basins on a regular basis;
- keeping materials out of the rain by covering exposed piles of soil or construction materials with plastic sheets;
- dry sweeping paved surfaces that drain to storm drains; and
- cleaning up all spills, leaks and drips so they do not contaminate soil or groundwater or leave residue on paved surfaces.

D.4 Best Management Practices should be implemented during construction of facilities on or adjacent to the Bay to minimize effects of construction activities on water quality. In order to minimize potential for spills, construction materials or debris to enter the Bay and affect water quality, site-specific construction methods and precautions, such as limiting activities on days of strong winds, could be included in the contractor's construction specifications to minimize effects on water quality. Demolition of structures with lead-based paint should include physical precautions to ensure that paint dust and chips do not enter the Bay.

## E. AIR QUALITY

### MITIGATION MEASURES

#### *CONSTRUCTION AIR QUALITY (Both Projects)*

E.1 The Port now requires that project sponsors direct construction contractors to implement a dust abatement program to reduce the contribution of project construction to local PM-10 concentrations. Elements of this program should continue to include the following, to reduce particulate emissions:

- Water all areas capable of creating fugitive dust during demolition, excavation and construction activity. This includes watering internal roadways, unpaved construction areas and active sites at least twice per day. Increase the frequency of watering when wind speeds exceed 15 miles per hour. San Francisco Ordinance 175-91 requires that non-potable water be used for dust control activities. Therefore, the project sponsor will require that the contractor(s) obtain reclaimed water from the Clean Water Program for this purpose.
- Limit speeds to 10 miles per hour on all internal roadways and suspend all excavating and grading operations when instantaneous gusts exceed 25 miles per hour.
- Sweep paved internal roads, access roads, parking areas, construction staging areas and adjacent City streets if any visible soil material is carried over to these streets at the end of the day. Sweep up dirt or debris spilled onto paved surfaces immediately to reduce re-suspension of particulate matter through vehicle movement over these surfaces.
- Employ wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.

- As feasible, the contractor(s) shall limit the area subject to excavation, grading and other construction activity at any one time.
- Replace ground cover in disturbed areas as quickly as possible.
- Enclose, cover, water twice daily, or apply soil binders to exposed stockpiles of sand, gravel and dirt. Cover all trucks hauling dirt, sand, soil, or other loose materials. Maintain at least six inches of freeboard between the top of the load and the top of the trailer.
- Install gravel at construction equipment entrances to unpaved areas to prevent tracking of dirt and mud onto streets.
- Designate a person or persons to oversee the implementation of a comprehensive dust control program and to increase watering, as necessary. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air District prior to the start of construction.
- The project contractor(s) shall submit to the BAAQMD a comprehensive inventory of all the heavy-duty equipment (50 hp or greater) that would be used more than 40 hours over the life of the project. This equipment may be owned and operated by the prime contractor and/or any subcontractor. At least 20% of this equipment shall be powered by CARB-certified off-road engines.
- Contractor(s) shall ensure that any stationary motor sources (such as generators and compressors) located within 100 feet of any residence, public facilities, or school (sensitive receptors) is equipped with a supplementary exhaust pollution control system as required by the BAAQMD and CARB.
- Maintain and operate construction equipment so as to minimize particulates from exhaust emissions. During construction, require contractors to operate trucks and equipment only when necessary. Equipment should be kept in good condition and well tuned, to minimize exhaust emissions.

This mitigation measure would also reduce demolition-related impacts regarding lead paint chips/lead dust. The project sponsor would also be required to comply with Chapter 36 of the San Francisco Building Code, Work Practices for Exterior Lead-Based Paint, enforced by the San Francisco Department of Building Inspection.

*(Corresponds to 1997 Waterfront Plan FEIR Mitigation Measure F-1)*

### *OPERATIONAL AIR QUALITY (Cruise Terminal Project only)*

E.2 The project sponsor shall implement a trip reduction plan that includes some or all of the following standard BAAQMD measures, as determined feasible and appropriate. Each standard BAAQMD measure is in italics (with the estimated effectiveness at trip reduction indicated in parentheses), followed by the specific measure recommended for the proposed project.

*Transit Measures: Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc., to support expanded transit service to the site (Effectiveness 0.5 - 2% of all trips).*

- The project sponsor will pay the Transit Impact Development Fee for new office space as required by Chapter 38 of the San Francisco Administrative Code to improve the local transit infrastructure.

- Adequate taxi and bus parking and passenger loading facilities should be provided as part of the project.

- Provide workers with transit use incentives.

- Provide transit information at information booths in shopping areas and on recorded telephone announcement, and encourage individual stores to provide such information, both in person and by telephone. Arrange for the sale of MUNI Fast Passes and, potentially, other transit passes and tickets, at strategic locations around the project.

- Develop brochures, information packets, and/or an internet web page providing full information on transit access to the project site. Ensure that ship passengers are informed of transit opportunities, and provide maps and schedule information.

- Provide a location for a public ferry terminal to be developed or installed in the future at the Cruise Terminal project site.

*Bicycle and Pedestrian Measures: (a) Provide secure, weather-protected bicycle parking for employees (Effectiveness 0.5 - 2% of work trips); (b) Provide safe, direct access for bicyclists to adjacent bicycle routes (Effectiveness 0.5 - 2% of work trips); (c) Provide showers and lockers for employees bicycling or walking to work (Effectiveness 0.5 - 2% of work trips); (d) Provide secure short-term bicycle parking for retail customers or non-commute trips (Effectiveness 1 - 2% of non-work trips); (e) Provide direct, safe, attractive pedestrian access from project to transit stops and adjacent development (Effectiveness 0.5 - 1.5% of all trips).*

- The project sponsor will provide secure, covered bicycle parking at a ratio of one bike space for every twenty car spaces. This parking will be located in a well-lighted area as close as possible to residences and shops.

- The project will be easily accessed from an N-Judah MUNI Metro stop located less than 500 feet south of the project site. .

*Provide sidewalks and/or paths, connected to adjacent land uses, transit stops, and/or community-wide network (Effectiveness 0.1 - 1% of all trips).*

- With the implementation of The Embarcadero Roadway project, a 25-foot promenade was established along the waterside and a 10-foot sidewalk was provided along the inland side of The Embarcadero. This wide walkway along the water's edge in combination with a standard sidewalk along the inland roadway would provide adequate capacity to meet the pedestrian demands during the peak demand periods.

*Rideshare Measures: Implement carpool/vanpool program (e.g., carpool ride-matching for employees, assistance with vanpool formation, provision of vanpool vehicles, etc.) (Effectiveness 1 - 4% of work trips).*

- Provide ride-matching service to employees to aid in the formation of carpools. This could be a contracted service provided by an outside agency.

*Services Measures: (a) Provide on-site shops and services for employees, such as food service, bank/ATM, dry cleaners, etc. (Effectiveness 0.5 - 5% of work trips); (b) Provide on-site child care, or contribute to off-site child care within walking distance (Effectiveness 0.1 - 1% of work trips).*

- Ensure that the retail tenant mix includes convenience services for project employees.

*Parking Measures: Provide preferential parking for carpool and vanpool vehicles (Effectiveness 0.5 – 1.5% of work trips).*

- Provide preferential carpool and vanpool parking for employees. These spaces should be the ones most conveniently located to the work areas. *(Corresponds to 1997 Waterfront Plan FEIR Mitigation* Measure *F-2)*

E.3 The project sponsors shall establish an emission reduction program that identifies specific air emissions criteria for cruise ships and includes incentives and other means that will reduce the air quality impacts of cruise ships using the Piers 30-32 terminal. To this end, the project sponsors will undertake the following actions:

- Establish an air quality advisory group to the Port Commission, meeting on a regular basis, with the purpose of establishing reduction criteria and corresponding incentives to reward cruise lines that meet or exceed the emissions reduction criteria. This group will be established upon the approval of the cruise terminal project by the Port Commission. The group will include representatives from the cruise industry, Bay Area Air Quality Management District, the Port, SFCT, the San Francisco Bar Pilots, the cruise terminal operator, the Rincon Point–South Beach Citizen Advisory Committee, a local area public health organization, and at least one environmental organization whose primary stated purpose is to address issues pertaining to air quality in the Bay Area. This advisory group would make recommendations to the Port Commission to establish incentives that reduce air pollution emissions.

- The role of the advisory group shall also include review, and recommendations to the Port Commission, of measures to address air quality impacts, including use of technologies and alternative fuels, such as low sulfur content fuel, and reduced cruise ship speeds, if proven effective in reducing nitrogen oxide and $PM_{10}$ emissions. The advisory group may also make recommendations to the Port Commission on how to most effectively contribute to programs that will result in the reduction of pollutants in the area.

- Following consultation with the working group, adopt an incentive program prior to the commencement of cruise operations at Piers 30-32. This shall involve reduced fees for ships that meet or exceed the emissions reduction criteria and will also include Port recognition and promotion of cruise lines that are committed to environmentally responsible operations, including the deployment of ships using reduced emission system technology or cleaner burning fuel.

E.4 The project sponsor shall ensure that any equipment, including fork lifts, passenger linkways, back-up generators and the like, used primarily at Pier 30-32 and operated by the Port and/or the cruise terminal operator has lower emissions than existing diesel equipment for each respective use. The lower emission requirement may be achieved through the use of low emission fuels, more efficient equipment or similar emerging technologies.

E.5 The project sponsor shall require that all trucks and buses on the Cruise Terminal project shut down their engines within 5 minutes of parking at the project.

# J. OTHER ENVIRONMENTAL ISSUES ADDRESSED IN THE 1997 WATERFRONT PLAN EIR

## MITIGATION MEASURES

### *BIOLOGY (Both Projects)*

Mitigation Measure H-1 of the 1997 Waterfront Plan FEIR is incorporated herein by reference (see page 5 of Appendix F for the text of the measure).

### *GEOLOGY, SOILS, AND SEISMICITY (Cruise Terminal Project only unless otherwise indicated)*

Mitigation Measures I-1, I-3, I-4 (*both projects*), I-5, I-7, I-8, I-9 (*both projects*), I-10 (*both projects*), and I-11 (*both projects*) of the 1997 Waterfront Plan FEIR are incorporated herein by reference (see pages 6 through 15 of Appendix F for the text of the measures).

# CHAPTER V

## SIGNIFICANT ENVIRONMENTAL EFFECTS THAT CANNOT BE AVOIDED IF THE PROPOSED PROJECTS ARE IMPLEMENTED

In accordance with Section 21067 of the California Environmental Quality Act (CEQA), and with Sections 15040, 15081 and 15082 of the State CEQA Guidelines, the purpose of this chapter is to identify impacts that could not be eliminated or reduced to an insignificant level by mitigation measures included as part of each project, or by other mitigation measures that could be implemented, as described in Chapter IV, Mitigation Measures, pp. 169-177.

This chapter is subject to final determination by the Planning Commission as part of its certification process for the SEIR. The Final SEIR will be revised, if necessary, to reflect the findings of the Commission.

The Brannan Street Wharf project would not result in any significant impacts. With the implementation of the mitigation measures outlined in Chapter IV, Mitigation Measures, pp. 169-177, most potential significant impacts associated with the Cruise Terminal project would be reduced to a less-than-significant level, with the following exceptions:

1. The project would result in the degradation of level of service to unacceptable levels under Existing Plus Project conditions at the intersections of The Embarcadero/Bryant (AM and PM peak hours) and Second/King (PM peak hour), Third/King (AM and PM peak hours), Harrison/First (PM peak hour), and Harrison/Fremont (PM peak hour).

2. The project would contribute substantially to the degradation of level of service to unacceptable levels under Cumulative 2020 conditions at the intersections of The Embarcadero/Bryant (PM peak hour) and The Embarcadero/Howard (PM peak hour), The Embarcadero/Folsom (PM peak hour), The Embarcadero/Brannan (AM and PM peak hours), Harrison/Fremont (PM peak hour), Harrison/First (PM peak hour), Second/King (PM peak hour), and Third/King (AM and PM peak hours).

3. The project would result in regional criteria air pollution as a result of the project's operational emissions from cruise ships and vehicle trips that would increase in number as a direct result of the proposed project.

4. The project would result in cumulative regional air pollution conditions as a result of the project's operational emissions from cruise ships and vehicle trips.

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# CHAPTER VI
## ALTERNATIVES TO THE PROPOSED PROJECTS

This chapter identifies alternatives to the proposed Cruise Terminal and Brannan Street Wharf projects and discusses the environmental impacts associated with each alternative. City decision-makers could adopt any of the following alternatives, if feasible, instead of approving the proposed projects.

The alternatives described in this chapter include a No Project Alternative, as required by CEQA Guidelines Section 15126.6(e), and one or two other alternatives (depending upon the project) that would avoid or lessen, to at least some degree, each of the project's significant adverse effects while at the same time attempting to at least partially achieve the project sponsor's basic objectives (CEQA Guidelines, Section 15126.6(c)). The degree to which each alternative "avoids or substantially lessens" the project's significant impacts and the degree to which the alternative meets the project sponsor's objectives will be considered by the City decision-makers in their consideration of the each project.

## *A. CRUISE TERMINAL PROJECT*

### 1. ALTERNATIVES CONSIDERED BUT REJECTED

### ALTERNATIVE SITES

In the course of the Port of San Francisco's (the Port) effort to determine the most appropriate location for a new cruise terminal, two sites other than the project site were analyzed for their suitability.[37] Pier 35, the location of the existing cruise terminal, and Piers 27-29, were considered and are discussed below.

#### *PIER 35 – EXISTING CRUISE TERMINAL LOCATION*

The existing cruise terminal is located at Pier 35, which is situated immediately south of the Pier 39 breakwater at the intersection of The Embarcadero and Kearny Street, just less than two miles from Pier 30-32. Based on an analysis of future cruise ship industry market conditions and the physical requirements necessary for servicing the industry, the Port found the existing terminal and Pier 35 location to be inadequate for a number of reasons. Primarily, although the pier provides two berths, one 1,053 feet long and one 903 feet long, maneuverability into the berths is severely limited because of the location of the Pier 39 breakwater on the west and Pier 33 on the east, and will become impossible at the

[37] This discussion is entirely based on the San Francisco Port Commission report, *Alternative Sites for the James Herman Cruise Ship Terminal*, September 2, 1998.

west berth and more problematic at the east berth as cruise ships get bigger. Maintenance of these berths has also proven to be costly, as some dredged material must be disposed of in landfills because it is "unsuitable" for in-bay disposal and both berths have a continuous build-up of material.

At approximately 32,000 square feet, the existing terminal cannot house all necessary components of a redesigned modern cruise terminal. This terminal is also too small to efficiently accommodate 6,000 passengers at one time. In addition, the existing sheds on the pier are not tall enough to service newer, taller ships. Other problems with the pier include: inadequate dockside facilities, particularly the 18-foot wide aprons (the industry standard is 50 feet); a difficult to set up security and customs system; insufficient vehicular circulation, including inadequate bus and taxi waiting areas and lack of defined passenger pick-up/drop-off areas; a lack of additional space for development of mixed uses (the adjacent Seawall Lot 314 is only 0.7 acres in size); and no space for new public access and viewing areas.

As mentioned, the most severe of the problems with Pier 35 is related to the narrow width of the pier. Although the Port's Waterfront Plan suggested incorporating Pier 33 into a larger cruise terminal project, such a project would be extremely costly and would not result in an efficient terminal layout. For the above reasons, the Port determined that Pier 35 would be inadequate to meet its objectives with regard to attracting and servicing the cruise industry to San Francisco.

### *PIERS 27 AND 29*

Piers 27 and 29 are located at the base of Lombard and Chestnut Streets at The Embarcadero, in the Northeast Waterfront, about 1.75 miles north of Pier 30-32. Both piers are currently occupied by a variety of short-term tenants. In addition, Pier 27 is used by a tugboat operator and one of the U.S. Maritime Administration's ready reserve force ships.

Together, the piers offer nearly 650,000 sq. ft. of space, and two berths. The south berth, along Pier 27, is 1,358 feet long, while the north berth, along Pier 29, is 801 feet long. The south berth would be able to accommodate the largest cruise ships, but the north berth could do so only if part of the bulkhead building between Piers 29 and 31 were removed and/or the pier extended. Further, part of Pier 31 would potentially have to be removed to berth larger ships at Pier 29. The 48-foot wide apron at Pier 27 would be adequate for dockside activities, but the 32-foot Pier 29 apron would likely require rebuilding or an extension, thus adding fill to the Bay, to provide adequate space. The existing two shed buildings on the piers are large enough to provide adequate terminal facilities and separate, secure areas for customs. Because the Pier 29 Bulkhead Building and Connector Building are historically important, and the Pier 31 shed building may have historical significance, these buildings would have limitations on the degree and manner in which they could be altered. While BCDC would consider dredging at Piers 27-29 to be maintenance dredging that is permitted under the Port's existing BCDC and Army Corps maintenance dredging permits, the quantities required on an ongoing basis to maintain adequate berth depths would be more than double that required at Pier 30-32.

Piers 27 and 29 have limitations with regards to parking and circulation. Because there are two northbound lanes on The Embarcadero in front of this site, there is no on-street parking. Similarly, there is not any room for bus or taxi waiting along The Embarcadero. Parking and bus and taxi waiting could be accommodated in the triangular area between the two piers, but loading and passenger circulation would likely be inefficient.

Through negotiations with BCDC, the inland end of Pier 27 has been designated as the future site of the Northeast Wharf Plaza, a major public open space that would require removal of part of the Pier 27 shed. Such a use would pose provisioning, security and operational concerns for the cruise terminal and could make docking more difficult.

A more serious limitation of this site is the lack of vacant seawall lots immediately adjacent to it where commercial development could be programmed. Seawall Lots 318 and 319, relatively small lots directly across The Embarcadero from the piers, are already developed with commercial uses and open space. While use of the Pier 30-32 site for the cruise terminal would allow for development on the adjacent 2.8-acre Seawall Lot 330 that would create uses on both sides of The Embarcadero that complement one another and attract people to the water, Piers 27 and 29 do not offer such an opportunity.

Based on an amended Request for Proposal issued by the Port on August 31, 2000, the Port Commission has entered into exclusive negotiations with the Mills Corporation to develop Piers 27-31 as a mixed-use commercial and recreational project. Selection of the Mills Corporation occurred on April 18, 2001.

## CRUISE TERMINAL PROJECT ONLY (NO SEAWALL LOT DEVELOPMENT)

Consideration of a development scenario in which only the Pier 30-32 component of the Cruise Terminal project would be implemented was rejected for two primary reasons: 1) the Port's Waterfront Plan establishes the importance of mixed-use development, particularly through grouping piers and adjacent seawall lots; and 2) the Port determined that space for non-cruise terminal related uses is required to finance development of the cruise terminal.

According to its discussion of Mixed Use Opportunity Areas, the Waterfront Plan "strongly encourages that, where feasible and consistent with BCDC and the Public Trust, new commercial development on piers should be part of mixed use developments which include maritime, open space and public access activities, and which bring day and nighttime activity to the waterfront." In cases where future Port development sites would include only a single use, the Waterfront Plan indicates that "the goal is to have different types of uses on nearby sites so that a mix of uses can be achieved in the greater area." "If planned and executed in a coordinated fashion, this flexible, mixed use development approach offers excellent opportunities to reunite the City with a diversity of waterside attractions and amenities."

According to the staff report prepared for the Port Commission regarding selection of the Pier 30-32 site for development of the Cruise Terminal project, one of the requirements for development of a modern cruise terminal is a mix of uses. More specifically, the report states that there is requirement for "Space

for major revenue-generating mixed use commercial development immediately adjacent to or near the terminal to help support the cost of the terminal and enliven the terminal when ships are not in port." The report goes on to say that the "availability of Seawall Lot 330 for a mixed-use development, along with the potential for other commercial uses on the pier itself, make Pier 30-32 the most developable site from an economic and land use perspective."

As such, a development scenario in which only the Pier 30-32 component of the Cruise Terminal project would be implemented was rejected.

### CRUISE TERMINAL WITH ONLY ONE CRUISE SHIP BERTH

According to the *Alternative Sites for the James Herman Cruise Ship Terminal* report prepared by Port staff, based primarily on cruise industry trends and an assessment of cruise terminals in other cities, two berths are required for a new, modern cruise terminal. More specifically, a new terminal requires two berths of at least 1,000 feet in length and 35 feet in depth, preferably that require little or no dredging, allow safe and easy maneuvering of cruise ships and tug boats, and at least one of which is oriented parallel to the shore to provide for more efficient docking and operation. Based on this finding, development of a Cruise Terminal project with only one berth was rejected.

## 2. NO PROJECT ALTERNATIVE

### DESCRIPTION

Under the No Project Alternative, the project site (both Pier 30-32 and Seawall Lot 330) would remain in its existing condition. No new development would take place on the site and no changes to the existing pier structure would occur. Both components of the project site would continue their current uses. However, this alternative would not preclude future proposals for redevelopment of the project site. Given the site's identification in the Port's Waterfront Plan as a "Mixed Use Opportunity Area," it could reasonably be expected that subsequent development proposals would be considered and/or implemented on the site. Further, it is anticipated that without construction of the cruise terminal proposed as part of the Cruise Terminal project, the Port could still potentially experience an increase in the number of cruise ship calls at Pier 35 from 40 ships in 2000 to 69 ships in 2004 and potentially further increases into the foreseeable future.[38]

### IMPACTS

Because this alternative would not result in any physical changes to the project site, no effects would occur to land use, views, or other aspects of visual quality (these impacts all would be less-than-significant with the project). This alternative would result in no increase in vehicle travel or transit use in

[38] *Market Research for James R Herman Cruise Terminal San Francisco, California, USA*, May, 2000, G.P. Wild International and Larry Dessler Associates.

the project vicinity, as would occur with implementation of the proposed project. Under this alternative, some or all of the expected increase from 40 to 69 in ship calls would likely still occur at Pier 35, thereby resulting in related increases in vehicle trip generation, parking and loading demand, transit use, and pedestrian and bicycle traffic. These effects would, however, be concentrated in the vicinity of Pier 35 and would not affect the project site or vicinity. As such, there would be no project site-specific effects on intersection conditions, transit use, parking, loading, or pedestrian or bicycle traffic. Significant intersection level of service impacts that would occur as a result of the project in the Existing Plus Project and cumulative conditions, would not occur. Local transit operating conditions that would be significantly impacted under cumulative conditions by the proposed project would not occur. This alternative would not result in the loss of the existing 800 parking spaces on the project site.

Under the No Project alternative, there would be no effect on shadows or wind speeds on surrounding streets, sidewalks, and publicly accessible open spaces. Conditions in the immediate future would reflect conditions described in the setting sections of this report. Similarly, this alternative would not result in new effects related to hazardous materials. Air quality effects associated with project construction and increased traffic in the project vicinity would be avoided, although some of the related additional traffic and associated air quality impacts would instead occur in the vicinity of Pier 35. However, the expected increase in ship calls, while less than would occur with the proposed project, would still result in significant regional and cumulative air quality effects.

The No Project Alternative would not meet any of the project sponsor's objectives, with the exception of the objective related to providing parking on the waterside of the site. Furthermore, the No Project Alternative, in contrast to the project, would not promote objectives and policies of the Port's Waterfront Plan related to construction of a new cruise terminal and provision of waterfront open space and additional public access, amongst others.

The No Project Alternative would be environmentally superior to the project because it would avoid the environmental impacts of the project. Should this alternative ultimately result in future construction of a new mixed-use cruise terminal project on all or part of the project site, effects would be similar in nature to those identified for the project, with the degree of impact largely determined by the size of the proposed development. Such a subsequent development proposal would be subject to project-specific environmental review when proposed.

## 3. SEAWALL LOT HOTEL ALTERNATIVE

### DESCRIPTION

Under the Seawall Lot Hotel Alternative, development on Pier 30-32 would be nearly identical to that proposed as part of the project, but development on the seawall lot would involve construction of a hotel

rather than residential condominiums.[39] Under this alternative, the cruise terminal/mixed-use program proposed for Pier 30-32 would provide 550 parking spaces instead of 450 spaces, but would otherwise have the identical plan layout, distribution of uses, architecture, circulation system, public access, building heights, and berth configuration as the proposed project.

With respect to the seawall lot, this alternative would have a substantially different program than the proposed project that would include: a 400-room hotel plus 111 time-share units, rather than 350 residential condominiums; 190 parking spaces, rather than 350 spaces; and 1,500 sq. ft. of ground-floor retail, rather than no retail space. The site plan would also differ substantially in that it would be designed with a tower at each of the three corners (105-feet tall at Bryant/Beale Streets and Bryant Street/The Embarcadero, 80 feet at Beale Street/The Embarcadero) connected by lower buildings, all oriented around a large central courtyard. The building along Beale Street would be 55-feet tall, while the buildings fronting The Embarcadero and Bryant Street would be 80-feet tall. As such, in contrast to the proposed project that would have buildings as tall as 187 feet, the building heights under this alternative would not exceed the Planning Code limit of 105 feet. This alternative also would not require a land exchange and sale.

## IMPACTS

Because this alternative would include seawall lot buildings that would comply with that property's height and bulk limits, this alternative would not require an exception to the Bulk District F limits or require a height reclassification to exceed 105 feet. Like the proposed project, this alternative would not result in significant effects to views or any other aspect of visual quality. This alternative would involve a different layout of buildings on the seawall lot, including two towers (at the northeast corner and western corner of the site) that would be noticeably shorter and therefore would result in improved views for some private residences, including some of the units on the upper floors of the Portside Condominiums development (to the northwest) and the Bayside Village development (to the west). The decreased height of development on the seawall lot would not, however, substantially improve views from public rights of way, looking either east (towards the waterfront) or west (from the waterfront) back to the seawall lot.

With respect to traffic, as with the proposed project, this alternative would generate the greatest number of PM peak hour trips on a typical Off-Season day. There would be a reduction of approximately 240 person trips (a five percent reduction in total person trips) during the Off-Season, which would translate to a reduction of about 85 PM peak hour vehicle trips. This alternative would therefore generate 84% to 89% of the net weekday PM peak hour vehicle trips generated by the proposed project for the three analysis conditions (Base Case, Cruise Season, and Off-Season). While this reduction in trips would provide some relief to traffic congestion, the reduction in trips would not be enough to eliminate any of the identified significant intersection impacts of the proposed project. Similarly, the reduction in transit

[39] This alternative represents the development scenario originally proposed in SFCT's response to the Port's Request for Proposal's for the project site.

trips would be about two percent, and therefore it would not eliminate the significant cumulative local transit impact that would occur under the proposed project.

In terms of parking, this alternative would result in the loss of the existing 800 parking spaces on the project site as would the proposed project. This alternative's shortfall of Code-required parking would be about 260 spaces less than the proposed project shortfall under each of the scenarios. The maximum parking shortfall would occur during the Off-Season, with a shortfall of about 1,055 spaces. When comparing parking demand to parking supply under each of the scenarios, the parking shortfall would range from 575 spaces in the Base Case to 840 spaces during the Cruise Season. This would be a reduction in the shortfall of 275 to 295 spaces when compared to the proposed project. When taking shared parking into account, the parking demand shortfall would be 325 to 460 spaces, or a decrease in the shortfall by 315 to 335 spaces when compared to the proposed project. As such, under this alternative, like the proposed project, an exemption from the parking requirement on Pier 30-32 would be required and no significant parking impact would occur. Potentially significant impacts associated with loading and pedestrian movement would not substantively differ from those under the proposed project and could similarly be mitigated with the mitigation measures identified for the project. Like the project, no significant bicycle impacts would occur under this alternative.

Because this alternative would result in the same amount of impervious surfaces and would have similar uses as the proposed project, stormwater runoff and sewer system (including CSO) effects would be nearly identical to those of the proposed project, so would also be less than significant. Similarly, shipping related effects on water quality, effects from dredging for the two berths, and impacts from land-based and water-based construction activities would be identical to those of the proposed project.

Like traffic effects, air quality effects under this alternative would be slightly better than with the proposed project, but would not result in any perceivable differences. Ship related emissions would be identical to those of the proposed project and vehicle emissions from the slight decrease in vehicle trips would be essentially the same. Therefore, the two significant impacts identified for the proposed project on regional air quality and cumulative regional air quality would remain significant, even with mitigation. Local and pollutant concentrations and construction-related air effects (with implementation of the mitigation identified for the project) would be very similar to those of the proposed project and therefore would remain less than significant.

Although under the Seawall Lot Hotel Alternative building forms and heights would be different (generally smaller) on the seawall lot compared to the proposed project, the effect on shadows cast by buildings on that site would not change substantively. Shadows cast by the tower at the western corner of the site would be shorter, particularly in the morning hours year-round, and like the proposed project would have very limited less-than-significant effects. Similarly, while the different seawall lot building forms would result in slightly different wind speeds at particular points, the average wind speeds for the entire site would remain unchanged and effects would still be less than significant. Shadow and wind effects on Pier 30-32 would be nearly identical to those of the project.

The Seawall Lot Hotel Alternative would generally meet the project sponsor's objectives. This alternative, as with the project, would promote objectives and policies of the Port's Waterfront Plan related to construction of a new cruise terminal and provision of waterfront open space and additional public access, amongst others.

## 4. PIER 30-32 REDUCED INTENSITY ALTERNATIVE

### DESCRIPTION

Under the Pier 30-32 Reduced Intensity Alternative, development on the seawall lot would be very similar to that proposed as part of the project, but development on Pier 30-32 would involve construction of a substantially reduced scale cruise terminal and commercial program. Under this alternative, the seawall lot program would be identical to that of the project (350 residential units and 350 parking spaces), but the building heights and bulk would differ such that they would be entirely consistent with the property's height and bulk requirements. As such, in contrast to the project, which would include buildings on the seawall lot as tall as 187 feet and therefore require an exception to the bulk limits and a height reclassification, under this alternative all of the buildings on the seawall lot would comply with 105-F Height and Bulk district limits.

With respect to Pier 30-32, this alternative would have an identical program to that of the proposed project, only that each of the uses would be substantially reduced. Most of the uses would be half the size of those proposed for the project, except for the cruise terminal, which would be slightly larger than half the size, and the office component, which would be about two-thirds the size. As such, this alternative would include: a 60,000 sq. ft. terminal with 12,000 sq. ft. of event space and one cruise ship berth (on either the east or north side of the pier) rather than a 100,000 sq. ft. terminal with 20,000 sq. ft. of event space and two berths; 230,000 sq. ft. of office space compared to 370,000 sq. ft.; 110,000 sq. ft. of retail (with each retail use correspondingly halved) rather than 220,000 sq. ft.; and 275 parking spaces rather than 450 spaces. The result would be a site plan nearly identical to that of the project, but with the exception of the cruise terminal, all of the buildings would be two levels and approximately 35 feet tall rather than 46 feet tall. The cruise terminal would provide less office space, but similar to the project, would range in height from 46 to 88 feet. The circulation system would generally be the same as with the proposed project, as would the open space/public access elements of the design.

The Pier 30-32 Reduced Intensity Alternative would be the environmentally superior alternative, as required by *CEQA Guidelines* Section 15126.6(e)(2).

### IMPACTS

Because this alternative would include seawall lot buildings that would comply with that property's height and bulk limits, this alternative would not require an exception to the Bulk District F limits or require a height reclassification to exceed 105 feet. Similarly, because this alternative would include pier

buildings that would not exceed 40 feet, no height reclassification would be required for the pier development. Like the proposed project, this alternative would not result in significant effects to views or any other aspect of visual quality. This alternative would involve slightly shorter buildings on the pier and noticeably lower towers at the western and northeastern corners of the seawall lot, and therefore would potentially result in improved views from some private residences, including some of the units on the upper floors of the Portside Condominiums development (to the northwest) and the Bayside Village development (to the west). The decreased height of development on the seawall lot and pier would not, however, substantially improve views from public rights of way, looking either east (towards the waterfront) or west (from the waterfront) back to the seawall lot.

The Pier 30-32 Reduced Intensity Alternative would involve use of only one cruise ship berth. If only the northern berth were used (which is less likely than only the eastern berth being used due to the cruise industry preference for docking parallel to shore), on the approximately 70 to 85 days per year when a ship would be docked at the site, views to the Bay would be improved compared to the proposed project (which would otherwise have ships docked in the eastern berth). If only the eastern berth were used, conditions would be more similar to the proposed project, but views would be slightly improved looking north from The Embarcadero south of the project site towards the Bay Bridge. The decreased height of development on the pier would not substantially improve views looking eastward towards the Bay and would not allow for greater visibility of the Bay itself from public rights-of-way, particularly on days when a cruise ship would be docked in the eastern berth. Some private residences on the upper floors of nearby buildings that would not have their views impeded by development on the seawall lot would potentially have slightly improved views of the waterfront (looking east) as a result of the shorter buildings on the pier.

With respect to traffic, of the three scenarios analyzed, this alternative would generate the greatest number of PM peak hour trips on a typical Cruise Season day with one cruise ship at port. The 3,217 PM peak hour person trips during the Cruise Season would be about 2,275 fewer PM peak hour trips, or 41 percent less, than for the project. This alternative would therefore generate 43% to 48% of the net weekday PM peak hour vehicle trips as would the proposed project for the three analysis conditions (Base Case, Cruise Season, and Off-Season). The reduction in vehicle trips under this alternative would eliminate significant traffic impacts at the Second/King and Third/King intersections under Existing Plus Project conditions, as neither intersection would degrade from LOS D to LOS E as they would with the proposed project. While the reduction in trips would also provide some relief to congestion at other intersections, the reduction would not be enough to eliminate any of the other project-identified significant intersection impacts. The reduction in transit trips would be about 46 percent, and therefore would eliminate the significant cumulative local transit impact that would occur under the proposed project.

As there would only be one cruise ship berth under this alternative, the number of occasions on which one ship would be in port at Pier 30-32 would potentially increase (as a result of scheduling changes to accommodate more ships), but there would not be occasions when two ships would berth at Pier 30-32. It

is likely that under this alternative nearly the same total number of ship calls would occur at the Port, but those calls (and their related traffic impacts) would be dispersed between the project site and, most likely, Pier 35 (where cruise ships currently call) rather than all at the project site. However, the majority of calls would still occur at Pier 30-32.

In terms of parking, the Pier 30-32 Reduced Intensity Alternative would result in the loss of the existing 800 parking spaces on the project site as would the proposed project. The greatest Code-required parking shortfall would occur during the Off-Season, with a shortfall of about 645 spaces (compared to 1,312 with the project), and would lessen to a shortfall of 590 spaces under Base Case conditions (compared to 1,221 with the project). When comparing parking demand to parking supply under each of the scenarios, the parking shortfall would range from 435 spaces in the Base Case to 700 spaces during the Cruise Season. This would be a reduction in the shortfall of about 435 spaces when compared to the proposed project. When taking shared parking into account, the parking demand shortfall would be 330 to 465 spaces, or a decrease in the shortfall by about 330 spaces when compared to the proposed project. As such, under this alternative, like the proposed project, an exemption from the parking requirement on Pier 30-32 would be required and no significant parking impact would occur. Potentially significant impacts associated with loading and pedestrian movement would not substantively differ from those under the proposed project and could similarly be mitigated with the mitigation measures identified for the project. Like the project, no significant bicycle impacts would occur under this alternative.

Because this alternative would result in the same amount of impervious surfaces as the proposed project, stormwater runoff effects would be nearly identical to those of the proposed project. Because this alternative would have substantially less space devoted to office, retail/entertainment, and cruise terminal uses than the project, its sewer flow would be less, but not enough to change substantially the overall contribution to the combined system. Like the project, this alternative's CSO effects would be less than significant.

Similarly, shipping related effects on water quality (assuming fewer calls at the project site but about the same total number of calls to the Port) and impacts from land-based and water-based construction activities would be identical to those of the proposed project. Because this alternative would include only one berth, dredging effects would differ from the proposed project. If only the east berth were to be used, it is likely that little or no additional dredging would need to occur because of that berth's adequate existing and anticipated future depth. If the north berth were used, the amount of dredging and the nature of related effects would be similar to those associated with the proposed project.

Like traffic effects, air quality effects under this alternative would be considerably less than the proposed project, but would not result in any perceivable differences. Ship related emissions would be nearly identical to those of the proposed project and vehicle emissions from the decrease in vehicle trips would not be substantial enough to lessen the related adverse effects. Therefore, the two significant impacts identified for the proposed project on regional air quality and cumulative regional air quality would remain significant, even with mitigation. Local and pollutant concentrations and construction-related air

effects (with implementation of the mitigation identified for the project) would be slightly less than those of the proposed project and therefore would improve and remain less than significant.

Although under the Pier 30-32 Reduced Intensity Alternative building forms and heights would be different (generally smaller) on the seawall lot and Pier 30-32 compared to the proposed project, the effect on shadows cast by buildings on that site would not change substantively. Shadows cast by the tower at the western corner of the site would be shorter, particularly in the morning hours year-round, and like the proposed project would have very limited less than significant effects. Similarly, while the different seawall lot building forms would result in slightly different wind speeds at particular points, the average wind speeds for the entire site would remain unchanged and effects would still be less than significant. Shadow and wind effects on Pier 30-32, despite lower buildings, would be very similar to those of the project.

The Pier 30-32 Reduced Intensity Alternative would meet some of the project sponsor's objectives, including those related to providing a mixed-use development at this location, complementary landside development, adequate parking facilities, and distinctive architecture. Most of the other sponsor's objectives would be partially achieved, although to a lesser degree than would the proposed project, except for the berthing facilities. For example, according to the Port's requirements, the Port's primary goal, creation of a state-of-the-art cruise terminal that would adequately accommodate cruise industry growth, could not be achieved with one berth or a terminal substantially smaller than 100,000 sq. ft. Objectives related to the provision of waterfront commercial, recreational and retail uses would all be achieved, but possibly less effectively as a result of the reduced intensity of those uses. The objective that would most obviously be compromised by this alternative would be that which addresses the effort to create a financially sound project. Although this alternative could physically be constructed, as a result of the greatly reduced potential revenue that such a development would provide to the project sponsor, including both the private development interests and the Port, it is unlikely that either component of the project sponsor team would determine it worthwhile to do so.

## 5. SEAWALL LOT REDUCED INTENSITY ALTERNATIVE

### DESCRIPTION

Under the Seawall Lot Reduced Intensity Alternative, development on Pier 30-32 would be identical to that proposed as part of the project, but development on Seawall Lot 330 would involve construction of reduced-scale residential buildings with substantially fewer residential units. Under this alternative, the seawall lot program would involve construction of 200 residential units (150 fewer units than the proposed project) and 200 parking spaces (150 spaces fewer than the proposed project). To minimize the disruption of south- and east-looking views from private residences along Beale and Bryant Streets across from the site, the site plan for the seawall lot would also differ in that it would have the largest buildings at the western corner and in the middle of the property, while minimizing the height and bulk of buildings along the northeastern and southeastern edges of the property. In contrast to the project, this

alternative would not include buildings taller than 105 feet tall and would fully comply with the site's 105-F Height and Bulk district requirements.

## IMPACTS

Because this alternative would include seawall lot buildings that would comply with that property's height and bulk limits, this alternative would not require an exception to the Bulk District F limits or require a height reclassification to exceed 105 feet.

Like the proposed project, this alternative would not result in significant effects to views or any other aspect of visual quality. The reoriented site plan with an overall decreased height of development on the seawall lot would not substantively improve views from public rights of way, looking either east (towards the waterfront) or west (from the waterfront) back to the seawall lot. Some private residences on the upper floors of nearby buildings that would not otherwise have their views impeded by development on the pier would likely have improved views of the waterfront (looking east and southeast) as a result of the shorter buildings on the seawall lot.

With respect to traffic, of the three scenarios analyzed, this alternative would generate the greatest number of PM peak hour trips on a typical Off-Season day. The 5,265 PM peak hour person trips during the Off-Season would be about 235 fewer PM peak hour person trips, or four percent less, than for the project, which would translate to a reduction of about 60 PM peak hour vehicle trips. This alternative would therefore generate 92% of the net weekday PM peak hour vehicle trips as would the proposed project for each of the three analysis conditions (Base Case, Cruise Season, and Off-Season). While this reduction in trips would provide some relief to traffic congestion, it would not be enough to eliminate any of the project-identified significant intersection impacts. The reduction in transit trips would be about three percent, and therefore would not eliminate the significant cumulative local transit impact that would occur under the proposed project.

In terms of parking, the Seawall Lot Reduced Intensity Alternative would result in the loss of the existing 800 parking spaces on the project site as would the proposed project. Under this alternative, the shortfall of Code-required parking would be nearly identical to that of the proposed project for each of the scenarios. As such, the greatest Code-required parking shortfall would occur during the Off-Season, with a shortfall of about 1,312 spaces, and would lessen to a shortfall of 1,221 spaces under Base Case conditions, the same as with the project. When comparing parking demand to parking supply under each of the scenarios, the parking shortfall would be about 40 spaces less than that of the proposed project, ranging from 825 spaces in the Base Case to 1,090 spaces during the Cruise Season. When taking shared parking into account, the parking demand shortfall would be about 615 to 750 spaces, or a decrease in the shortfall by about 42 spaces when compared to the proposed project As such, under this alternative, like the proposed project, an exemption from the parking requirement on Pier 30-32 would be required and no significant parking impact would occur. Potentially significant impacts associated with loading and pedestrian movement would not substantively differ from those under the proposed project and could

similarly be mitigated with the mitigation measures identified for the project. Like the project, no significant bicycle impacts would occur under this alternative.

Because this alternative would result in the same amount of impervious surfaces as the proposed project, stormwater runoff effects would be nearly identical to those of the proposed project. Because this alternative would have fewer residential units than the project, its sewer flow would be less, but not enough to change substantially the overall contribution to the combined system. Like the project, this alternative's CSO effects would be less than significant.

Because development on Pier 30-32 would be identical to that of the project, shipping related effects on water quality, impacts from land-based and water-based construction activities, and impacts from cruise berth dredging would be identical to those of the proposed project.

Like traffic effects, air quality effects under this alternative would not be noticeably better than with the proposed project, and would not result in any perceivable differences. Ship related emissions would be identical to those of the proposed project and vehicle emissions from the decrease in vehicle trips would not be substantial enough to lessen the related adverse effects. Therefore, the two significant impacts identified for the proposed project on regional air quality and cumulative regional air quality would remain significant, even with mitigation. Local and pollutant concentrations and construction-related air effects (with implementation of the mitigation identified for the project) would improve and remain less than significant.

Although under the Seawall Lot Reduced Intensity Alternative building forms and heights would be different (generally smaller) on the seawall lot compared to the proposed project, the effect on shadows cast by buildings on that site would not change substantively. Shadows cast by the tower at the western corner of the site would be shorter, particularly in the morning hours year-round, and like the proposed project would have very limited less than significant effects. Similarly, while the different seawall lot building forms would result in slightly different wind speeds at particular points, the average wind speeds for the entire site would likely remain unchanged and effects would still be less than significant. Shadow and wind effects on Pier 30-32 would be identical to those of the project.

The Seawall Lot Reduced Intensity Alternative would meet some of the project sponsor's objectives, including those related to providing a mixed-use development at this location, a new cruise terminal, berthing facilities, office and retail space, commercial recreation and entertainment opportunities, adequate parking facilities, and distinctive architecture. With regard to the sponsor's objective to create complementary landside development that provides patronage to the waterside development, this alternative would result in fewer people living on the seawall lot and therefore fewer people to patronize uses on the pier. A smaller development program on the seawall lot would achieve to a lesser degree the sponsor's objectives to provide a financial subsidy to the Port. As this alternative would develop 200 rather than 350 residential units, this alternative would achieve to a lesser degree the sponsor's objective to create additional market-rate and affordable homes in the South Beach area.

# 5. REDUCED BUILDING HEIGHT ALTERNATIVE

## DESCRIPTION

Under the Reduced Building Height Alternative, the development program on the seawall lot would be identical to that proposed as part of the project and the program on Pier 30-32 would be very similar to that of the proposed project, but the heights of buildings on both components of the project site would be reduced. (See Figures 36 through 38 for site plans of both components of the project site, as well as a second floor plan for Pier 30-32.)

Under this alternative, the seawall lot program would be identical to that of the project (350 residential units and 350 parking spaces), but the building heights would differ (see Figure 36). Specifically, the northeast tower would be reduced from 13 stories and 130 feet tall to 7 stories and 75 feet, the west tower would increase from 17 stories and 187 feet tall to 20 stories and 220 feet, while the southeast tower would remain unchanged. In addition, street level units along Bryant Street would be reduced from 6 stories and 70 feet tall to 5 stories and 50 feet, except the easternmost two units, which would be further reduced to 4 stories and 40 feet. Under this alternative, all of the buildings on the seawall lot other than the west tower would be consistent with the property's height and bulk limits. A height reclassification would still be required to allow for construction of the 220-foot tall west tower proposed under this alternative.

With respect to Pier 30-32, this alternative would have an identical program to that of the proposed project, except that the retail space would be reduced 25,000 gsf, from 220,000 gsf to 195,000 gsf. The pier site plan, however, would be substantially redesigned, with the following principal changes: 1) the lagoon originally situated along the southern edge of the pier would be located closer to the center of the pier within the existing pier footprint, creating a focal point from which most of the pier buildings would be oriented and have access; 2) the street frontage of the buildings along The Embarcadero would be split, rather than being a continuous streetwall, allowing east-west pedestrian and visual access; 3) the parking would be constructed directly on the existing pier deck, rather than being constructed partially (four feet) below the pier deck and as a podium below office and retail space; 4) the secondary driveway off of The Embarcadero would be eliminated; 5) none of the non-terminal buildings would exceed the pier's height limit of 40 feet; and 6) less new pier deck would be constructed and therefore less new fill would be required.

## IMPACTS

Because this alternative would include one seawall lot building that would not comply with that property's height and bulk limits, this alternative would still require an exception to the Bulk District F limits and require a height reclassification to exceed 105 feet. Because this alternative would include pier buildings that would not exceed 40 feet (excluding the exempted terminal structure), no height

reclassification would be required for the pier component of the project. Like the proposed project, this alternative would have less than significant effects related to land use, plans, and policies.

Like the proposed project, this alternative would not result in significant effects to views or any other aspect of visual quality. This alternative would, however, retain views from both public and private vantage points. The decreased height of development on the pier would not substantially improve views looking eastward towards the Bay and would not allow for greater visibility of the Bay itself from public rights-of-way, particularly on days when a cruise ship would be docked in the eastern berth. However, with no ship in the eastern berth, the reoriented pier site plan would allow for improved views of the Bay from The Embarcadero through the pier development. In addition, some private residences on the upper floors of nearby buildings that would not have their views impeded by development on the seawall lot would potentially have slightly improved views (when compared to the project) of the waterfront (looking east) as a result of the shorter buildings on the pier.

As a result of changes to the height of buildings on the seawall lot, private views looking eastward from residences on the upper floors of buildings to the west and northwest of the seawall lot would be substantially improved over the proposed project. The increased height of the west tower would likely partially or completely obstruct eastward looking private views that would not be obstructed under the proposed project. Views from The Embarcadero looking north, west, and southwest to the seawall lot would differ due to the redistribution of mass on the seawall lot, but would generally have the same effect as some buildings would be shorter and the west tower would increase in height. Views looking southeast towards the Bay down Main Street would still be blocked by new development on the seawall lot, although the obstructing buildings would be shorter. The decreased height of development on the seawall lot would not, however, substantially improve views from public rights of way, looking either east (towards the waterfront) or west (from the waterfront) back to the seawall lot.

With respect to traffic, because this alternative would differ in program from the project only in terms of a slight reduction in the amount of retail space on the pier, this alternative would result in a corresponding slight reduction in the number of daily and PM peak hour person trips, but the slightly lower volume of vehicle trips would result in the same level of service at all of the study intersections under each of the scenarios analyzed for the proposed project. As such, none of the significant traffic impacts identified for the proposed project would be eliminated under this alternative. Because this alternative would eliminate the secondary driveway access to the pier from The Embarcadero, potential pedestrian conflicts at this driveway that could occur with the proposed project would not occur under this alternative. All other traffic, parking, and circulation effects would be the same as those for the proposed project.

Because this alternative would result in nearly the same amount of impervious surfaces and would have a very similar program as the proposed project, stormwater runoff and sewer system (including CSO) effects would be nearly identical to those of the proposed project, and would also be less than significant. Similarly, shipping related effects on water quality, effects from dredging for the two berths, and impacts

from land-based and water-based construction activities would be identical to those of the proposed project.

Like traffic effects, air quality effects under this alternative would be slightly improved over the proposed project, but would not result in any perceivable differences. Ship-related emissions would be identical to those of the proposed project and vehicle emissions from the slight decrease in vehicle trips would be essentially the same. Therefore, the two significant impacts identified for the proposed project on regional air quality and cumulative regional air quality would remain significant, even with mitigation. Local and pollutant concentrations and construction-related air effects (with implementation of the mitigation identified for the project) would be very similar to those of the proposed project and therefore would remain less than significant.

Although under the Reduced Building Height Alternative building forms and heights would be different (generally smaller, except for the west tower) on the seawall lot and Pier 30-32 compared to the proposed project, the net effect on shadows cast by buildings on that site would not change substantively. Shadows cast by the taller tower at the western corner of the site would be slightly longer, particularly in the morning hours year-round, but like the proposed project would have very limited less than significant effects. Similarly, shadows cast by the shorter seawall lot buildings and pier building along The Embarcadero would be shorter, particularly in the morning hours year-round, and would continue to have less than significant effects. While the different seawall lot building forms would result in slightly different wind speeds at particular points, the average wind speeds for the entire site would remain unchanged and effects would still be less than significant. Shadow and wind effects on Pier 30-32, despite generally lower buildings and one taller building, would be very similar to those of the project.

Effects related to hazardous materials would be the same under this alternative as they would with the proposed project. Impacts associated with energy, noise, biological resources, soils and seismicity, historic architectural resources, archaeological resources, and public services and utilities would be nearly identical to those for the proposed project (as described in Section III.J, Other Environmental Issues Addressed in the 1997 Waterfront Plan EIR).

The Reduced Building Height Alternative would meet all of the project sponsor's objectives.

# *B. BRANNAN STREET WHARF PROJECT*

## 1. NO PROJECT ALTERNATIVE

### DESCRIPTION

Under the No Project Alternative, the project site would remain in its existing condition. No new development would take place on the site and no changes to the existing Pier 36 or marginal wharf would occur. Both components of the project site would continue their current uses. As discussed above in Chapter II, implementation (including schedule and design parameters) of the Brannan Street Wharf project, as prescribed by Assembly Bill 1389, is linked to development of the Cruise Terminal project. As such, the No Project Alternative would only occur if the Cruise Terminal project were not implemented (the equivalent of the Cruise Terminal No Project Alternative). Given the site's identification in the Port's Waterfront Plan as a "Mixed Use Opportunity Area," under this alternative, the Wharf project could potentially still be constructed either in connection with a separately approved Port project or independently (although funding the project on its own would likely be difficult).

### IMPACTS

Because this alternative would not result in any physical changes to the project site, any public land use benefits associated with the project, including increased access to the waterfront and the creation of additional recreational space, would not occur. Similarly, the visual benefits that would occur as a result of the project's demolition of an existing pier (including the structure located on it), expansion of an open water basin, and construction of green open space, would not occur. Land use and visual effects nonetheless be less than significant under this alternative.

Because the Wharf project is not considered an independent trip generator and would have no traffic effects, the No Project Alternative similarly would have no traffic impacts. The No Project Alternative would not, however, involve demolition of Pier 36 and the structure on it currently used by a moving company. As such, this alternative, unlike the proposed project, would not disrupt the existing minimal traffic flow to and from the Pier 36 component of the project site. All other aspects of transportation would be very similar to the proposed project and would be less than significant.

Like the proposed project, under the No Project alternative, there would be no effect on shadows or wind speeds. Conditions in the immediate future would reflect conditions described in the setting sections of this report. Similarly, this alternative would not result in new less than significant effects related to hazardous materials associated with construction of the proposed project. Less than significant construction-related air quality that would occur with the proposed project would not occur under this alternative. Effects associated with the construction of 45,000 sq. ft. of new wharf area, considered Bay fill, would not occur. These effects would be less than significant, as they would with the proposed project.

The No Project Alternative would not meet any of the project sponsor's objectives because it would not remove Pier 36 or create new open space/public access to and views of the Bay. Furthermore, the No Project Alternative, in contrast to the project, would not promote objectives and policies of the Port's Waterfront Plan related to construction of a new waterfront open space and providing additional public access, amongst others.

## 2. REDUCED FILL ALTERNATIVE

### DESCRIPTION

Under this alternative, the Brannan Street Wharf open space would be constructed with a different configuration than would the proposed project. Under this alternative, some of the existing marginal wharf would be repaired (rather than removed) and the Wharf would be 1,000 feet long (parallel to The Embarcadero) and 60 feet wide. As such, the open space would be slightly larger than with proposed project (60,000 sq. ft. rather than 57,000 sq. ft.) and construction would require 35,000 sq. ft. of new pile-supported wharf area, rather than 45,000 sq. ft. as would be required to construct the proposed project. In all other respects, this alternative would be nearly identical to the proposed project.

The Reduced Fill Alternative would be the environmentally superior alternative, as required by *CEQA Guidelines* Section 15126.6(e)(2).

### IMPACTS

Because this alternative would result in a public open space very similar in nature to what would be constructed as part of the proposed project, land use and visual quality effects would be very similar to those of the proposed project. As such, both would be less than significant.

Because the Brannan Street Wharf project is not considered an independent trip generator and would have no traffic effects, the Reduced Fill Alternative would similarly have no substantial traffic impacts. All other aspects of transportation would also be identical to the proposed project and would be less than significant.

Like the proposed project, under this alternative, there would be no effect on shadows or wind speeds. Conditions in the immediate future would reflect conditions described in the setting sections of this report. Similarly, this alternative would result in the same less than significant effects associated with hazardous materials as the proposed project. Like the proposed project, this alternative would have short-term less than significant construction-related air quality effects. Effects associated with the construction of 35,000 sq. ft. of new wharf area, considered Bay fill, would be slightly less than those with the proposed project. As it is a policy of both the BCDC and the Port to minimize the amount of new Bay fill wherever possible, this alternative would further the achievement of that principle. These effects would be less than significant, as they would with the proposed project.

The Reduced Fill Alternative would meet all of the project sponsor's objectives. However, this alternative is not the preferred development alternative and is therefore not itself analyzed as the proposed project.

# CHAPTER VII
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Occupant
403 Main St. #602N
San Francisco, CA 94105

3768-239
Gerald & Nancy Bratti
C/O Jerry & Nancy Bratti
403 Main St. #603N
San Francisco, CA 94105

3768-197
Harumi Takamashi
403 Main St. #401N
San Francisco, CA 94105

3768-198
Marilyn & Melvin Schwartz Trustee & David Schwartz
PO Box 5068
Ketchum, ID 83340

3768-198
Occupant
403 Main St. #402N
San Francisco, CA 94105

3768-199
John Chen & David T. Liu
403 Main St. #403N
San Francisco, CA 94105

3768-200
Douglas P. Easley
403 Main St. #404N
San Francisco, CA 94105

3768-201
Bruce L. & Dawn E. Burks
2063 Winward Pt.
Byron, CA 94514

3768-201
Occupant
403 Main St. #405N
San Francisco, CA 94105

3768-202
Ned A. Deily
403 Main St. #406N
San Francisco, CA 94105

3768-203
Charles Y. Lee
403 Main St. #407N
San Francisco, CA 94105

3768-204
Costales Bryan
403 Main St. #408N
San Francisco, CA 94105

3768-205
Thomas & Carol Goergen Trust
C/O Thomas Goergen
PO Box 8037
Rancho Santa Fe, CA 92067

3768-205
Occupant
403 Main St. #409N
San Francisco, CA 94105

3768-206
Nicole C. & Jean P. Lavallee
403 Main St. #410N
San Francisco, CA 94105

3768-207
Michael Watson Trust
403 Main St. #411N
San Francisco, CA 94105

3768-208
Steven H. & Renee Reiman
403 Main St. #412N
San Francisco, CA 94105

3768-209
Lisa M. Shulman
403 Main St. #413N
San Francisco, CA 94105

3768-210
Michael J. Reid & Linda W. Donley-Reid
403 Main St. #414N
San Francisco, CA 94105

3768-211
Cherry K. Noble
79 W Shore Rd.
Belvedere, CA 94920

3768-211
Occupant
403 Main St. #415N
San Francisco, CA 94105

3768-212
Grace C. Cheng
403 Main St. #416N
San Francisco, CA 94105

3768-213
Scott & Lisa C. Brown
403 Main St. #417N
San Francisco, CA 94105

3768-214
Adrian Newman
403 Main St. #418N
San Francisco, CA 94105

3768-215
Ya-Tsen Chu
C/O UBS AG-H Brady
101 California St. Ste. 2500
San Francisco, CA 94111

3768-215
Occupant
103 Main St. #419N
San Francisco, CA 94105

3768-216
Shirley S. Hwang
403 Main St. #420N
San Francisco, CA 94105

3768-217
Stuart N. Takahashi
403 Main St. #501N
San Francisco, CA 94105

3768-218
Rosie M. Thompson
403 Main St. #502N
San Francisco, CA 94105

3768-177
Daniel P. & Leticia L. Elizaga
PO Box E
Morton, WA 98656

3768-177
Occupant
403 Main St #301N
San Francisco, CA 94105

3768-178
Jeffrey T. & Elizabeth N. Bundschu
17260 Buena Vista Ave.
Sonoma, CA 95476

3768-178
Occupant
403 Main St. #302N
San Francisco, CA 94105

3768-179
Patricia J. Hokanson
403 Main St. #303N
San Francisco, CA 94105

3768-180
Portside II LLC
403 Main St #304N
San Francisco, CA 94105

3768-181
Hannika A. Ferrero
403 Main St. #305N
San Francisco, CA 94105

3768-182
Donna J. Fong
403 Main St. #306N
San Francisco, CA 94105

3768-183
Clark M. Guittard
403 Main St. #307N
San Francisco, CA 94105

3768-184
Paul A. Barta
403 Main St. #308N
San Francisco, CA 94105

3768-185
Charles E. Kisselburg & martin B. Beaudet
13825 SE 180th Ave.
Boring, OR 97009

3768-185
Occupant
403 Main St. #309N
San Francisco, CA 94105

3768-186
Jae H. Tweed
403 Main St. #310N
San Francisco, CA 94105

3768-187
Debra & Michael Sweet
403 Main St. #311N
San Francisco, CA 94105

3768-188
Joel B. & A. Kimiko Klein
403 Main St. #312N
San Francisco, CA 94105

3768-189
Nikom & Josephina Wararachue
5120 W Yellowstone Ave.
Kennewick, WA 99336

3768-189
Occupant
403 Main St. #313N
San Francisco, CA 94105

3768-190
Jocelyn Giroux
403 Main St. #314N
San Francisco, CA 94105

3768-191
Leslie Leonard
403 Main St. #315N
San Francisco, CA 94105

3768-192
David A. Reid
403 Main St. #316N
San Francisco, CA 94105

3768-193
Joe D. Marmeyer
403 Main St. #317N
San Francisco, CA 94105

3768-194
Portside II LLC
501 2nd St. Ste. #212
San Francisco, CA 94107

3768-194
Occupant
403 Main St. #318N
San Francisco, CA 94105

3768-195
Portside II LLC
201 2nd St. Ste. #212
San Francisco, CA 94107

3768-195
Occupant
403 Main St. #319N
San Francisco, CA 94105

3768-196
Paul J. Brody & Muriel Mora
2086 Williams St.
Palo Alto, CA 94306

3768-196
Occupant
403 Main St. #320N
San Francisco, CA 94105

3768-153
Gregory Klenske
403 Main St. #117N
San Francisco, CA 94105

3768-154
Leslie W. Taglio
403 Main St. #118N
San Francisco, CA 94105

3768-155
Karen M. Aune & Julie Guarnotta
403 Main St. #119N
San Francisco, CA 94105

3768-156
You-Chieh Lee
403 Main St. #120N
San Francisco, CA 94105

3768-157
John E. Schwan & Kimberly Madgett-Schwan
403 Main ST. #201N
San Francisco, CA 94105

3768-158
Alicia D. Peckk
35 Lucerne St. #1
San Francisco, CA 94103

3768-158
Occupant
403 Main St. #202N
San Francisco, CA 94105

3768-159
Julian & Dorothea Roth
403 Main St. #203N
San Francisco, CA 94105

3768-160
Charles A. & Elizabeth R. Lyons
403 Main St. #204N
San Francisco, CA 94105

3768-161
Ferdinand Pulido
403 Main St. #205N
San Francisco, CA 94105

3768-162
Themios Carabas & Robert J. & Leslie Carabas
403 Main St. #206N
San Francisco, CA 94105

3768-163
Ann V. Keeler
403 Main St. #207N
San Francisco, CA 94105

3768-164
Edward M. Simon & Rosalind L. Goh-Simon
4625 Saddlehurn Dr.
Reno, NV 89511

3768-164
Occupant
403 Main St. #208N
San Francisco, CA 94105

3768-165
Hess/Scott Trust Survivor
C/O Gerrie A. Scott
403 Main St. #209N
San Francisco, CA 94105

3768-166
Jeff C. Henry
403 Main St. #210N
San Francisco, CA 94105

3768-167
Robert M. Vickers
403 Main St. #211N
San Francisco, CA 94105

3768-168
Themios & Robert J. Carabas & Leslie Car
403 Main St. #206N
San Francisco, CA 94105

3768-168
Occupant
403 Main St. #212N
San Francisco, CA 94105

3768-169
Susan M. Murdy Trust
403 Main St. #213N
San Francisco, CA 94105

3768-170
Cynthia Silva
403 Main St. #214N
San Francisco, CA 94105

3768-171
Roy A. Assumpcao
403 Main St. #215N
San Francisco, CA 94105

3768-172
John P. Kelleher
403 Main St. #216N
San Francisco, CA 94105

3768-173
Suzanne M. Lock
403 Main St. #217N
San Francisco, CA 94105

3768-174
William A. & Gail N. Radzevich
403 Main St. #218N
San Francisco, CA 94105

3768-175
Fred M. & Janice L. Christ
403 Main St. #219N
San Francisco, CA 94105

3768-176
Brad A. Berglund
403 Main St. #220N
San Francisco, CA 94105

3768-134
Occupant
101 Harrison St. #302
San Francisco, CA 94105

3768-135
John Kotch IV
101 Harrison St. #303
San Francisco, CA 94105

3768-136
Portside II LLC
501 2nd St. Ste. #212
San Francisco, CA 94107

3768-136
Occupant
403 Union St.
San Francisco, CA 94105

3768-137
Portside II LLC
501 2nd St. Ste. #212
San Francisco, CA 94107

3768-137
Occupant
403 Union St.
San Francisco, CA 94105

3768-139
William C. Koenig III
403 Main St. #815
San Francisco, CA 94105

3768-139
Occupant
403 Main St. #101N
San Francisco, CA 94105

3768-140
Russell & Linda S. Miller
2080 Marich Way
Mountain View, CA 94040

3768-140
Occupant
403 Main St. #102N
San Francisco, CA 94105

3768-141
Peter J. Arnone Jr.
403 Main St. #103N
San Francisco, CA 94105

3768-142
Macario B. Leano
403 Main St. #104N
San Francisco, CA 94105

3768-143
Portside II LLC
403 Main St. #105N
San Francisco, CA 94105

3768-144
Berrty K.H. Chuck
PO Box 2703
Gilroy, CA 95021

3768-144
Occupant
403 Main St. #106N
San Francisco, CA 94105

3768-145
Hans Treunfels
304 Joyce Way
Mill Valley, CA 94941

3768-145
Occupant
403 Main St. #107N
San Francisco, CA 94105

3768-146
William Yao
403 Main St. #108N
San Francisco, CA 94105

3768-147
Chris & Ginny Spafford
403 Main St. #110N
San Francisco, CA 94105

3768-147
Occupant
403 Main St. #941
San Francisco, CA 94105

3768-148
Anthony S. Assalino
403 Main St. #111N
San Francisco, CA 94105

3768-148
Occupant
403 Main St. #1196
San Francisco, CA 94105

3768-149
Julius Ruslan
403 Main St. #112N
San Francisco, CA 94105

3768-150
Jeffrey Leibovitz & Louise Bird
115 S Park St.
San Francisco, CA 94107

3768-150
Occupant
403 Main St. #114N
San Francisco, CA 94105

3768-151
James W. Lunsford
403 Main St. #115N
San Francisco, CA 94105

3768-152
Ramon S. Torrecilha
403 Main St. #116N
San Francisco, CA 94105

3768-120
Occupant
101 Harrison St. #208
San Francisco, CA 94105

3768-121
Renee A. Villiere
400 Spear St. #209
San Francisco, CA 94105

3768-121
Occupant
101 Harrison St. #209
San Francisco, CA 94105

3768-122
Martin & Rodolfo Argosino
PO Box 491850
Los Angeles, CA 90049

3768-122
Occupant
101 Harrison St. #210
San Francisco, CA 94105

3768-123
Gene C. Warren
400 Spear St. #211
San Francisco, CA 94105

3768-123
Occupant
101 Harrison St. #211
San Francisco, CA 94105

3768-124
Ken Fukino & Naomi Yamamoto
400 Spear St. #212
San Francisco, CA 94105

3768-124
Occupant
101 Harrison St. #212
San Francisco, CA 94105

3768-125
Edwin M.W. Chow
400 Spear St. #213
San Francisco, CA 94105

3768-125
Occupant
101 Harrison St. #213
San Francisco, CA 94105

3768-126
John S. Ashworth
400 Spear St. #214
San Francisco, CA 94105

3768-126
Occupant
101 Harrison St. #214
San Francisco CA 94105

3768-127
Michael Carollo
101 Harrison St. #215
San Francisco, CA 94105

3768-128
Merritt & Pamela Sher Living Trust
C/O Merritt & Pamela Sher
PO Box 1307
Ross, CA 94957

3768-128
Occupant
101 Harrison St. #216
San Francisco, CA 94105

3768-129
Raymond E. & Norine C. Spence
400 Spear St. #217
San Francisco, CA 94105

3768-129
Occupant
101 Harrison St. #217
San Francisco, CA 94105

3768-130
Stabb Living Trust
C/O Edward & Joann Stabb
145 Lakewood Rd.
Walnut Creek, CA 94598

3768-130
Occupant
101 Harrison St. #218
San Francisco, CA 94105

3768-131
Dennis J. Keohane
400 Spear St. #219
San Francisco, CA 94105

3768-131
Occupant
101 Harrison St. #219
San Francisco, CA 94105

3768-132
Robert N. Kusche & Martha Serrano Kusche
2116 N Shore Dr.
Bellingham, WA 98226

3768-132
Occupant
101 Harrison St. #220
San Francisco, CA 94105

3768-133
Lee W. & Judy L. Flodman
300 Brook Way
Modesto, CA 95354

3768-133
Occupant
101 Harrison St. #301
San Francisco, CA 94105

3768-134
Claude E. Jones Jr.
301 Bryant St. #403
San Francisco, CA 94107

3768-106
John S. Wu
400 Spear St. #110
San Francisco, CA 94105

3768-106
Occupant
101 Harrison St. #110
San Francisco, CA 94105

3768-107
James L. Schaefer
400 Spear St. #109
San Francisco, CA 94105

3768-107
Occupant
101 Harrison St. #109
San Francisco, CA 94105

3768-108
Janet Tan & Cecille Matia
400 Spear St. #108
San Francisco, CA 94105

3768-108
Occupant
101 Harrison St. #108
San Francisco, CA 94105

3768-109
James M. Strock
400 Spear St. #107
San Francisco, CA 94105

3768-109
Occupant
101 Harrison St. #107
San Francisco, CA 94105

3768-110
Innocent Bystanders II LLC
400 Spear St. #106
San Francisco, CA 94105

3768-110
Occupant
101 Harrison St. #106
San Francisco, CA 94105

3768-111
William B. Gregor & Wendi R. Whitcomb
400 Spear St. #105
San Francisco, CA 94105

3768-111
Occupant
101 Harrison St. #105
San Francisco, CA 94105

3768-112
Joseph D. Brattesani
400 Spear St. #221
San Francisco, CA 94105

3768-112
Occupant
101 Harrison St. #221
San Francisco, CA 94105

3768-113
Melchor Corporation
C/O Gregory Melchor
635 Emerson St.
Palo Alto, CA 94301

3768-113
Occupant
101 Harrison St. #222
San Francisco, CA 94105

3768-114
Michelle Soohoo
101 Harrison St. #201
San Francisco, CA 94105

3768-115
Brian D.S. Fox
101 Harrison St. #202
San Francisco, CA 94105

3768-116
Natalie Bradshaw
2130 Fillmore St. #227
San Francisco, CA 94105

3768-116
Occupant
101 Harrison St. #203
San Francisco, CA 94105

3768-117
Mark Pedersen
400 Spear St. #205
San Francisco, CA 94105

3768-117
Occupant
101 Harrison St. #205
San Francisco, CA 94105

3768-118
Francis R. & Patricia G. Tebeau
400 Spear St. #206
San Francisco, CA 94105

3768-118
Occupant
101 Harrison St. #206
San Francisco, CA 94105

3768-119
William & Patricia Tseng
400 Spear St. #207
San Francisco, CA 94105

3768-119
Occupant
101 Harrison St. #207
San Francisco, CA 94105

3768-120
Randall D. Martinez
400 Spear St. #208
San Francisco, CA 94105

3768-092
Amy G. Boxer
PO Box 2425
San Francisco, CA 94126

3768-092
Occupant
101 Harrison St. #103
San Francisco, CA 94105

3768-093
Jeffrey A. Wedge
400 Spear St. #104
San Francisco, CA 94105

3768-093
Occupant
101 Harrison St. #104
San Francisco, CA 94105

3768-094
Colleen Prince & Jeffrey M. Judd
400 Spear St. #122
San Francisco, CA 94105

3768-094
Occupant
101 Harrison St. #122
San Francisco, CA 94105

3768-095
Giulio V. Tempesta
400 Spear St. #121
San Francisco, CA 94105

3468-095
Occupant
101 Harrison St. #121
San Francisco, CA 94105

3768-096
Primo Orpilla & Verda Alexander
400 Spear St. #120
San Francisco, CA 94105

3768-096
Occupant
101 Harrison St. #120
San Francisco, CA 94105

3768-097
Chiang Della L. Feng
400 Spear St. #119
San Francisco, CA 94105

3768-097
Occupant
101 Harrison St. #119
San Francisco, CA 94105

3768-098
Jeffrey S. & Laurie S. Bickart
400 Spear St. #118
San Francisco, CA 94105

3768-098
Occupant
101 Harrison St. #118
San Francisco, CA 94105

3768-099
William & Patricia Tseng
400 Spear St. #117
San Francisco, CA 94105

3768-099
Occupant
101 Harrison St. #117
San Francisco, CA 94105

3768-100
Cynthia R. Bogie Trust
400 Spear St. #116
San Francisco, CA 94105

3768-100
Occupant
101 Harrison St. #116
San Francisco, CA 94105

3768-101
Elizabeth A. Fisher
400 Spear St. #115
San Francisco, CA 94105

3768-101
Occupant
101 Harrison St. #115
San Francisco, CA 94105

3768-102
Marc S. Harriman
400 Spear St. #114
San Francisco, CA 94105

3768-102
Occupant
101 Harrison St. #114
San Francisco, CA 94105

3768-103
Sally Krautner
400 Spear St. #113
San Francisco, CA 94105

3768-103
Occupant
101 Harrison St. #113
San Francisco, CA 94105

3768-104
Timothy C. Jewell
101 Harrison St. #112
San Francisco, CA 94105

3768-105
Scott & Sachiko David
400 Spear St. #111
San Francisco, CA 94105

3768-105
Occupant
101 Harrison St. #111
San Francisco, CA 94105

3768-073
Barbara S. Inaba
38 Bryant St. #805
San Francisco, CA 94105

3768-074
Sandra Su Su
38 Bryant St. #806
San Francisco, CA 94105

3768-075
Mihran H. & Elizabeth K. Kassabian
PO Box 1006
El Cerrito, CA 94530

3768-075
Occupant
38 Bryant St. #807
San Francisco, CA 94105

3768-076
Roger Allen
Manly NSW 2095
72 Bower St.
Australia

3768-076
Occupant
38 Bryant St. #808
San Francisco, CA 94105

3768-077
John Cornwell
38 Bryant St. #809
San Francisco, CA 94105

3768-078
Ashok K. Janah
38 Bryant St. #901
San Francisco, CA 94105

3768-079
Fani Lai-Fun Chung
38 Bryant St. #902
San Francisco, CA 94105

3768-080
Shelley J. Anixter
38 Bryant St. #903
San Francisco, CA 94105

3768-081
Kieran Darby
38 Bryant St. #904
San Francisco, CA 94105

3768-082
Patrick E. McSweeney
38 Bryant St. #905
San Francisco, CA 94105

3768-083
Robert R Molina
954-95 Camino De La Reina
San Diego, CA 92108

3768-083
Occupant
38 Bryant St. #906
San Francisco, CA 94105

3768-084
Thomas J. Perkins
435 Golden Gate Ave.
Belvedere, CA 94920

3768-084
Occupant
38 Bryant St. #907
San Francisco, CA 94105

3768-085
Craig Leavitt & Stephen Weaver
38 Bryant St. #908
San Francisco, CA 94105

3768-086
Gordon & Gwen Bell Trust
C/O C. Gordon Bell
38 Bryant St. #909
San Francisco, CA 94105

3768-087
Earl Gee
38 Bryant St. #100
San Francisco, CA 94105

3768-088
Big Fat Girl LLC
C/O Harry Mason
26 Lagorio Ct.
Alameda, CA 94502

3768-088
Occupant
38 Bryant St. #2
San Francisco, CA 94105

3768-089
Bechelli & Rossi Inc.
698 Brannan St.
San Francisco, CA 94107

3768-089
Occupant
38 Bryant St.
San Francisco, CA 94105

3768-090
Brenda W.L. Tam & Luis Cuadros
400 Spear St. #101
San Francisco, CA 94105

3768-090
Occupant
101 Harrison St. #101
San Francisco, CA 94105

3768-091
Yvonne Borghuis
185 29th Ave.
San Francisco, CA 94121

3768-091
Occupant
101 Harrison St. #102
San Francisco, CA 94105

3768-049
Occupant
38 Bryant St. #508
San Francisco, CA 94105

3768-050
Pamela Sue Lott
38 Bryant St. #509
San Francisco, CA 94105

3768-051
Joseph D. Hawkins
C/O Old Republic Title Co.
38 Bryant St. #601
San Francisco, CA 94105

3768-052
Crayton W. Jones Grantor Trust Retained
C/O Crayton W. & Sandra J. Jones
144 Pepper Dr.
Los Altos Hills, CA 94022

3768-052
Occupant
38 Bryant St. #602
San Francisco, CA 94105

3768-053
Regina M. Miller
38 Bryant St. #603
San Francisco, CA 94105

3768-054
Paul R. Jasper
38 Bryant St. #604
San Francisco, CA 94105

3768-055
Herold L. Anderson
38 Bryant St. #605
San Francisco, CA 94105

3768-056
Ted J. Horsley
38 Bryant St. #606
San Francisco, CA 94105

3768-057
Michael C. Griffin & Ada Edward
38 Bryant St. #607
San Francisco, CA 94105

3768-058
James C. & Kathy C. Huang
5521 Perugia Circle
San Jose, CA 95138

3768-058
Occupant
38 Bryant St. #608
San Francisco, CA 94105

3768-059
Pedro D. Zamora
38 Bryant St. #609
San Francisco, CA 94105

3768-060
David A. & Gail E. Daly
38 Bryant St. #701
San Francisco, CA 94105

3768-061
Parker Family Trust
38 Bryant St. #702
San Francisco, CA 94105

3768-062
Steven Vettel Living Trust
38 Bryant St. #703
San Francisco, CA 94105

3768-063
Michael T. & Mary E. Koestler
38 Bryant St. #704
San Francisco, CA 94105

3768-064
Sheryl Pounds
38 Bryant St. #705
San Francisco, CA 94105

3768-065
Douglas Bird
10 Joseph Ct.
San Rafael, CA 94903

3768-065
Occupant
38 Bryant St. #706
San Francisco, CA 94105

3768-066
Lupe DeLeon
38 Bryant St. #707
San Francisco, CA 94105

3768-067
Jane D. Rizzo
38 Bryant St. #708
San Francisco, CA 94105

3768-068
Jean M. Lichtenstein
38 Bryant St. #709
San Francisco, CA 94105

3768-069
Christopher L. Newell
38 Bryant St. #801
San Francisco, CA 94105

3768-070
Glenn L. & Sally E. Essex Trust
C/O Glenn L. Essex
38 Bryant St. #802
San Francisco, CA 94105

3768-071
S.H. Hsia
38 Bryant St. #803
San Francisco, CA 94105

3768-072
David B. & Barbara A. Burlington
38 Bryant St. #804
San Francisco, CA 94105

3768-028
Karen J. Luhman
38 Bryant St. #303
San Francisco, CA 94105

3768-029
Joseph N. Jaggers
38 Bryant St. #304
San Francisco, CA 94105

3768-030
Brian P. Clancy
38 Bryant St. #307
San Francisco, CA 94105

3768-031
Edwin Turrell Revocable Trust
38 Bryant St. #308
San Francisco, CA 94105

3768-032
John W. & Susan Wigert
38 Bryant St. #309
San Francisco, CA 94105

3768-033
Karin Khwanda
38 Bryant St. #401
San Francisco, CA 94105

3768-034
Stephan H. Lovi
38 Bryant St. #402
San Francisco, CA 94105

3768-035
Courtney A. Conner
38 Bryant St. #403
San Francisco, CA 94105

3768-036
Terry D. Cooper & Maureen G. O'Neill
38 Bryant St. #404
San Francisco, CA 94105

3768-037
Rupen P. & Meera R. Dolasia
38 Bryant St. #405
San Francisco, CA 94105

3768-038
Peter R. & Lisa R. Sorenson
38 Bryant St. #406
San Francisco, CA 94105

3768-039
Louis A. & Diane Acevedo Jr.
3935 Round Top Dr.
Honolulu, HI 96822

3768-039
Occupant
38 Bryant St. #407
San Francisco, CA 94105

3768-040
Gran C.H. Kao
C/O Lin Storer
30 Anguido Ct.
Hillsborough, CA 94010

3768-040
Occupant
38 Bryant St. #408
San Francisco, CA 94105

3768-041
Peter D. Abbey
38 Bryant St. #409
San Francisco, CA 94105

3768-042
Cathleen C. Bennett
38 Bryant St. #501
San Francisco, CA 94105

3768-043
Ricardo J. Sabella Jr.
C/O Richfield Investment Corp.
10001 Westheimer Rd. Ste. #2888
Houston, TX 77042

3768-043
Occupant
38 Bryant St. #502
San Francisco, CA 94105

3768-044
Adam Block
38 Bryant St. #503
San Francisco, CA 94105

3768-045
Janiel Jolley & Margretta Freeman
38 Bryant St. #504
San Francisco, CA 94105

3768-046
George Karkazis
38 Bryant St. #505
San Francisco, CA 94105

3768-047
William C. & Linda M. Jensen Living Trust
70 Paso Hondo
Carmel Valley, CA 93924

3768-047
Occupant
38 Bryant St. #506
San Francisco, CA 94105

3768-048
Robert C. & Mariann Quinn
904 Catalina Ct.
Roseville, CA 95661

3768-048
Occupant
38 Bryant St. #507
San Francisco, CA 94105

3768-049
Dennis M. & Barbara M. O'Brien
10 Oak Ave.
Belvedere, CA 94920

3767-302
Occupant
201 Harrison St. #1129
San Francisco, CA 94105

3767-303
Turley R. Mings
135 Shelter Lagoon Dr.
Santa Cruz, CA 95060

3767-303
Occupant
201 Harrison St. #1130
San Francisco, CA 94105

3767-304
Jaime Pena
201 Harrison St. #1131
San Francisco, CA 94105

3767-305
Reis Family LLC
429 Beale St.
San Francisco, CA 94105

3767-306
Reis Family LLC
PO Box 7794
San Francisco, CA 94120

3767-306
Occupant
430 Main St.
San Francisco, CA 94105

3767-307
James H. & Gladys M. Kennedy Sr. Trust
C/O James H. Kennedy
100 Crystal Springs Rd.
Hillsborough, CA 94010

3767-307
Occupant
201 Harrison St. #1C
San Francisco, CA 94105

3767-308
Baycrest Towers Residential Condo Assoc.
201 Harrison St.
San Francisco, CA 94105

3767-308
Occupant
201 Harrison St. #C-2
San Francisco, CA 94105

3767-309
Baycrest Towers Residential Condo Assoc.
201 Harrison St.
San Francisco, CA 94105

3767-309
Occupant
201 Harrison St. #3C
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3767-310
Baycrest Towers Residential Condo Assoc.
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201 Harrison St. #4C
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3768-015
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C/O BEI Properties LLC
155 Montgomery St. Ste. 1500
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3768-015
Occupant
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3768-016
Transamerica Realty Services Inc.
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3768-021
Hum Baby Associates
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3768-021
Occupant
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3768-022
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3768-025
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3768-025
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38 Bryant St. #101
San Francisco, CA 94105

3768-026
Hildegard Kleinen
38 Bryant St. #301
San Francisco, CA 94105

3768-027
Charles A. & Leticia Emanuel
38 Bryant St. #302
San Francisco, CA 94105

3767-285
Fred S. & Elaine E. Park
101 Lombard St. #406E
San Francisco, CA 94111

3767-285
Occupant
201 Harrison St. #1026
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3767-286
Gina Wu
201 Harrison St. #1027
San Francisco, CA 94105

3767-287
Lupe DeLeon
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San Francisco, CA 94105

3767-288
Orlando D. & Clemie R. Ereno Revocable Trust
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3767-288
Occupant
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3767-289
Tricia J. Hartwick
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3767-289
Occupant
201 Harrison St. #1030
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3767-290
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3767-291
Ralph E. Lindmark
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Occupant
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3767-292
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3767-292
Occupant
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3767-293
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Occupant
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3767-294
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Occupant
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3767-295
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3767-296
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3767-296
Occupant
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3767-297
Krzystof & Teresa Preis
201 Harrison St. #1124
San Francisco, CA 94105

3767-298
Debra Gould
201 Harrison St. #1125
San Francisco, CA 94105

3767-299
David H. Hildreth
201 Harrison St. #1126
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3767-300
Beverly A. Kees
201 Harrison St. #1127
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3767-301
David & Elizabeth Masri
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3767-301
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3767-302
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3767-266
Jill T. Jarrett
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3767-267
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3767-271
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3767-272
Thomas F. & Becky E. Hash Sr.
201 Harrison St. #927
San Francisco, CA 94105

3767-273
Jill D. Breslauer
201 Harrison St. #928
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3767-274
James E. & Martha J. White
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3767-275
Lon G. & Malia K.D. Brown
201 Harrison St. #930
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3767-276
Leslie W. Wickliffe
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3767-277
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3767-278
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3767-279
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3767-281
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3767-282
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Occupant
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3767-284
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Occupant
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3767-248
Linda Tam
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3767-249
Janet L. Brock
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3767-250
Susan E. Heil
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San Francisco, CA 94105

3767-251
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3767-251
Occupant
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3767-252
Weompner Family Revoc Living Trust
C/O Gene C. & Mary K. Weompner
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3767-252
Occupant
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San Francisco, CA 94105

3767-253
Share Survivors Trust
C/O Yvonne Salomon
608 11TH St.
Santa Monica, CA 90402

3767-253
Occupant
201 Harrison St. #904
San Francisco, CA 94105

3767-254
Ronald G. Loutherback & Marjorie G. Loutherback
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3767-255
Donald W. Breer
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San Francisco, CA 94105

3767-256
Vena Tambellini
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3767-257
Thomas E. & Mary A. Kingshill
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3767-257
Occupant
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3767-258
Philip Alfaro
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3767-259
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3767-259
Occupant
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Alberto A. & Estelita L. Carandang
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Occupant
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3767-261
Eugene & Shirley P. Spivak Inter-Vivos Trust
161 Kearney Ave.
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3767-261
Occupant
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San Francisco, CA 94105

3767-262
Thomas E. Hammang Jr.
201 Harrison St. #913
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3767-263
Win S. & Patricia M. Westfall
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3767-263
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3767-264
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3767-229
John W. Wirtanen
201 Harrison St. #808
San Francisco, CA 94105

3767-230
Edward R. & Roberta W. Bennett Trustees
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San Francisco, CA 94105

3767-231
De Vaughn D. & Karen E. Searson
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3767-231
Occupant
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San Francisco, CA 94105

3767-232
Cheryl A. Cultrona
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San Francisco, CA 94105

3767-233
Brenda Holmes
201 Harrison St. #812
San Francisco, CA 94105

3767-234
Barbara E. Raimond
201 Harrison St. #813
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3767-235
Patricia S. Traylor
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3767-236
Fred S. & Elaine E. Park
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3767-236
Occupant
201 Harrison St. #819
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3767-237
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3767-237
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3767-238
Occupant
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Michael K. Brown
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3767-239
Occupant
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3767-240
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3767-240
Occupant
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3767-241
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3767-242
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3767-242
Occupant
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San Francisco, CA 94105

3767-243
Robert L. Smith & Alfred R. Elizares
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San Francisco, CA 94105

3767-244
Lupe S. DeLeon
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Piedmont, CA 94611

3767-244
Occupant
201 Harrison St. #827
San Francisco, CA 94105

3767-245
Laurie L. Leslie-Groves
Michael J. Groves
201 Harrison St. #828
San Francisco, CA 94105

3767-246
James E. & Blanche C. Juge
1321 W 184TH St.
Gardena, CA 90248

3767-246
Occupant
201 Harrison St. #829
San Francisco, CA 94105

3767-212
Belinda Del Bosque
201 Harrison St. #723
San Francisco, CA 94105

3767-213
Alexandria Rodgers
201 Harrison St. #724
San Francisco, CA 94105

3767-214
Alan W.D. & Yuet W. Lum
201 Harrison St. #725
San Francisco, CA 94105

3767-215
Richard J. Berkowitz
628 Carolina St.
San Francisco, CA 94107

3767-215
Occupant
201 Harrison St. #726
San Francisco, CA 94105

3767-216
Victor Zele & Wendy Walker
201 Harrison St. #727
San Francisco, CA 94105

3767-217
Michael J. Sanchez & Susan J. Murphy
201 Harrison St. #208
San Francisco, CA 94105

3767-217
Occupant
201 Harrison St. #728
San Francisco, CA 94105

3767-218
Kazumichi Nakahigashi
201 Harrison St. #729
San Francisco, CA 94105

3767-219
Devlin W. Gardella
201 Harrison St. #407
San Francisco, CA 94105

3767-219
Occupant
201 Harrison St. #730
San Francisco, CA 94105

3767-220
Timothy C. Jewell
400 Spear St. #112
San Francisco, CA 94105

3767-220
Occupant
201 Harrison St. #731
San Francisco, CA 94105

3767-221
Christopher G. Brunetti
201 Harrison St. #800
San Francisco, CA 94105

3767-222
Charles H. Ward
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San Francisco, CA 94122

3767-222
Occupant
201 Harrison St. #801
San Francisco, CA 94105

3767-223
Jeffrey C. Chandler
1283 E 18TH St. #2
Oakland, CA 94606

3767-223
Occupant
201 Harrison St. #802
San Francisco, CA 94105

3767-224
Jeannette Morin
201 Harrison St. #803
San Francisco, CA 94105

3767-225
George W. & Roberta B. Prutzman
7675 Lakeside Dr.
Reno, NV 89511

3767-225
Occupant
201 Harrison St. #804
San Francisco, CA 94105

3767-226
Terry G. & Cynthia Clenney
6814 Corte Nuevo
Pleasanton, CA 94566

3767-226
Occupant
201 Harrison St. #805
San Francisco, CA 94105

3767-227
Linda A. Flounders
4640 Huron Ave.
San Diego, CA 92117

3767-227
Occupant
201 Harrison St. #806
San Francisco, CA 94105

3767-228
Catherine K. Cheng
1495 10TH Ave.
San Francisco, CA 94122

3767-228
Occupant
201 Harrison St. #807
San Francisco, CA 94105

3767-194
Jonathan A. Schoffstall
201 Harrison St. #701
San Francisco, CA 94105

3767-195
Peter J. Caldwell
201 Harrison St. #702
San Francisco, CA 94105

3767-196
Robert H. & Glodine M. Klinger
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San Francisco, CA 94105

3767-197
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Occupant
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3767-198
Veronica I. Martinez
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3767-199
Knight Revocable Trust
C/O John & Sandra Knight
5267 Broken Lance Ct.
San Jose, CA 95136

3767-199
Occupant
201 Harrison St. #706
San Francisco, CA 94105

3767-200
Michael A. Biewend
707 Harrison St. #416
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3767-200
Occupant
201 Harrison St. #707
San Francisco, CA 94105

3767-201
Wilma J. Evans
201 Harrison St. #708
San Francisco, CA 94105

3767-202
Jeffrey Demartini
201 Harrison St. #709
San Francisco, CA 94105

3767-203
Anita Chugani
201 Harrison St. #710
San Francisco, CA 94105

3767-204
Emmett C. Velten Jr.
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Occupant
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3767-205
Helen Park
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3767-206
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3767-207
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3767-208
Stephen S.C. & Debora W. Lee
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3767-208
Occupant
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3767-209
Joan D. & Jerome J. Libera
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Occupant
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3767-210
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3767-211
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Occupant
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3767-173
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3767-174
Tonya T. York
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3767-175
Fritz & Marlise Braker
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3767-176
Randi Wiess
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3767-177
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3767-178
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3767-179
Ferdinand Casstillo & Julie Tsang
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3767-181
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3767-182
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3767-183
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3767-187
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3767-188
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3767-191
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3767-192
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3767-193
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3767-154
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3767-156
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3767-157
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3767-160
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3767-161
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3767-162
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3767-164
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3767-167
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3767-168
P. Michael Brook
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3767-169
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3767-170
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3767-171
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3767-134
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3767-138
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3767-139
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3767-140
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3767-141
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3767-150
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3767-113
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3767-115
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3767-127
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# CHAPTER VIII
## SUMMARY OF COMMENTS AND RESPONSES


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| A. | INTRODUCTION | C&R.1 |
| B. | LIST OF PERSONS COMMENTING | C&R.2 |
| C. | WRITTEN COMMENTS AND RESPONSES | C&R.4 |
| D. | PUBLIC HEARING COMMENTS AND RESPONSES | C&R.112 |
| E. | STAFF-INITIATED TEXT CHANGES | C&R. 127 |
| F. | APPENDICES | C&R. 137 |

# SECTION A
## INTRODUCTION

This document contains public comments received on the Draft Supplemental Environmental Impact Report (DSEIR) prepared for the proposed San Francisco Cruise Terminal Mixed-Use Project and Brannan Street Wharf Project, and responses to those comments.

Following this introduction, Section B contains a list of all persons and organizations who submitted written comments on the DSEIR and who testified at the public hearing on the DSEIR held on December 20, 2001.

Sections C and D contain the comments and responses. Comments are grouped by commenter, rather than by topic, to allow commenters to easily find the responses to their comment(s). As the subject matter of one comment may overlap that of others, the reader may be referred to a prior response.

Section C contains comment letters received during the public review period from November 17, 2001 to January 16, 2002, and the responses to each comment. Each substantive comment on the DSEIR is labeled with a number in the margin and the response to each comment is presented immediately after the letter containing that comment.

Section D contains transcribed comments made at the public hearing on the DSEIR and the responses to each of those comments. Each substantive comment on the DSEIR is similarly labeled with a number in the margin, and the responses to each set of comments follow those comments.

Section E contains text changes to the DSEIR made by the SEIR preparers subsequent to publication of the DSEIR to correct or clarify information presented in the DSEIR. Section F includes appendices to this document referred to in the text.

It should be noted that the Response to Comments component of the EIR process is intended solely to respond to comments on the adequacy of the approach and analysis of a Draft EIR/SEIR. Comments regarding the merits of and concerns about the project are more appropriately directed to the Planning Commission to assist with their decision of whether or not to approve the project, a decision that will be made at a public hearing subsequent to certification (determination of completeness) of the Final SEIR. In order to approve the project, the Planning Commission would be required to adopt a Statement of Overriding Considerations, as required by CEQA, to explain the greater public good that would be achieved despite the significant unavoidable impacts that would occur as identified in the SEIR. Some comments do not pertain to physical environmental issues, but in some instances responses are included to provide additional information for use by decision makers.

These comments and responses will be incorporated into the Final SEIR as a new chapter.

# SECTION B
## LIST OF PERSONS COMMENTING

*Notes: The page numbers in the right column indicate the page on which the responses to the corresponding comments begin.*


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| A. Portside Neighborhood Committee, letter | C&R.12 |
| B. Richard Dickerson, Rincon Point-South Beach Citizens Advisory Committee, letter | C&R.29 |
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| D. Dwight E. Sanders, California State Lands Commission, letter | C&R.47 |
| E. Steven L. Vettel, Attorney for Emerald Fund, Inc., letter | C&R.60 |
| F. Joel B. Klein and Kimiko Klein, letter | C&R.63 |
| G. Robert Finnell, letter | C&R.65 |
| H. Alan Zahradnik, Golden Gate Highway and Transportation District, letter | C&R.68 |
| I. Ellen Garvey, Bay Area Air Quality Management District, letter | C&R.72 |
| J. Jeff Marmer and Jennifer Clary, Alliance for a Clean Waterfront, letter | C&R.80 |
| K. Residents of 301 Bryant Street, letter | C&R.86 |
| L. Kira Schmidt, Bluewater Network, letter | C&R.94 |
| M. Andrea M. Gaut, Bay Conservation Development Commission, letter | C&R.109 |
| N. Schyleen Qualls Brown, Portside Two, public hearing comments | C&R.113 |
| O. Cathy Bennett, Portside Neighborhood Committee, public hearing comments | C&R.114 |
| P. John Cornwell, Portside, public hearing comments | C&R.116 |
| Q. Ernestine Weiss, public hearing comments | C&R.118 |
| R. Eleanor Lindquist, public hearing comments | C&R.119 |
| S. Matthew Needham, public hearing comments | C&R.120 |
| T. Earl Gee, Portside Neighborhood Committee, public hearing comments | C&R.120 |

U. Kira Schmidt, Bluewater Network, public hearing comments C&R.122

V. Michael Sweet, public hearing comments C&R.123

W. Bill Barnes, Supervisor Daly representative, public hearing comments C&R.124

X. Gwyneth Borden, San Francisco Chamber of Commerce, public hearing comments C&R.125

Y. Oz Erickson, Emerald Fund, public hearing comments C&R.126

Z. Cynthia Joe, Planning Commissioner, public hearing comments C&R.126

# SECTION C
## WRITTEN COMMENTS AND RESPONSES

This chapter includes a copy of the comment letters received during the public review period on the DSEIR and responses to those comments. Each substantive comment on the DSEIR is labeled with a number in the margin and the response to each comment is presented immediately after the letter containing that comment.

PORTSIDE NEIGHBORHOOD COMMITTEE
38 Bryant Street, Suite 100
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A

January 16, 2002

Paul Maltzer
Environmental Review Officer
Planning Department
30 Van Ness Avenue, 4th Floor
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JAN 2 2 2002

**Subject:** **Re: 2000.1229E: San Francisco Cruise Terminal Mixed-Use Project Draft SEIR: Comments of Portside Neighborhood Committee**

Dear Mr. Maltzer,

Thank you for the opportunity to comment on the above referenced document. The Portside Neighborhood Committee offers the following comments:

Under CEQA, an EIR should identify and analyze the possible significant environmental impacts of a proposed project. CEQA § 21100(b)(1); CEQA Guidelines §§ 15126(a), 15126.2(a). A significant effect on the environment means "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance..." In addition, "a social or economic change related to a physical change may be considered in determining whether the physical change is significant." CEQA Guidelines § 15382. "The significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence." CEQA Guidelines § 15143; *see also* CEQA §§ 21002.1(e), 21100(c); CEQA Guidelines § 15128. Analysis should therefore contain a discussion of the project's environmental setting, to "constitute the baseline physical conditions by which a lead agency determines whether an impact is significant." CEQA Guidelines § 15125(a). For the purpose of this study, the baseline conditions should be based on current Port of San Francisco cruise ship operations data through the end of 2000, and based on current legislation. "Drafting an EIR...necessarily involves some degree of forecasting. While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can." CEQA Guidelines § 15144. 1

The EIR should also identify feasible mitigation measures and feasible environmentally superior project alternatives for the agency's consideration. CEQA §s 21002, 21081(a); CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), 15091(a)(1). The EIR should describe those significant environmental impacts that cannot be avoided because there are no feasible mitigation measures or because feasible measures cannot mitigate the impacts to a less than significant level. CEQA Guidelines §§ 15126(b), 15126.2(b). If such unmitigatable significant impacts can be avoided by adopting an alternative design, the EIR must describe the "implications" of not adopting that alternative. CEQA Guidelines § 15126(b); CEQA § 21100(b)(2)(A). The EIR should additionally identify "cumulative impacts," defined as "two or more individual effects which, when considered together, are considerable or...compound or increase other environmental impacts." CEQA Guidelines § 15355. Cumulative impacts take into account the project's impacts combined with the impacts of other projects in the study area. CEQA Guidelines § 15130(a)(1). 2

## 1. General Comments on the Analytical Preparation of the Draft SEIR

The Portside Neighborhood Committee has general comments on the analyses contained in the Draft SEIR. The Portside Neighborhood Committee has also noted that several requested items in our NOP scoping comments of July 9, 2001 were not addressed in the preparation of the Draft SEIR, most notably our request for analyses of induced increases in cruise operations due to the Proposed Project and requested alternatives analyses.

According to the report titled "Alternative Sites for the James R. Herman Cruise Ship Terminal," dated September 2, 1998 by the Port of San Francisco, the existing cruise terminal is effectively limited to 600 passengers at once, *Table 5.1*, and in 1997 accommodated 77,463 passengers for a total number of 52 calls, *Table 3.2*. The report goes on to suggest that the existing cruise terminal cannot accommodate any increase in the number of cruise operations. However, a new cruise terminal could "accommodate 6,000 passengers per day, the highest number of daily passengers expected if the PSA is amended, *Page 19*. This number is dependent on proposed changes to the Passenger Services Act (PSA) that would permit additional cruise operations to be viable for the San Francisco cruise market. If there were no changes to the PSA, a number less than 6,000 passengers per day, but significantly higher than 600 would be anticipated if the Proposed Project were constructed. 3

It is reasonable to assume then, that this additional increase in cruise operations could not occur without the Proposed Project, and as a result would be induced by the introduction of the Proposed Project. The SEIR should analyze the net increase in passengers per day and per year, as well as the net increase in calls with and without the Proposed Project, and with and without changes to the PSA as a result of the Proposed Project. This assessment should be discussed and reported in tabular form in the SEIR, and net increases in cruise operations due to the Proposed Project should be integral to appropriate environmental impact analyses.

Specific comments regarding the Draft SEIR analyses as well as scoping comments that have not been addressed in the Draft SEIR are discussed below, by environmental category.

### 1.1 Land Use, Plans, and Policies

The Draft SEIR did not discuss recognized compatible and incompatible land uses for Public Trust lands, discuss the Proposed Project with regard to the compatibility of residential land uses immediately adjacent to a major intermodal transportation hub (cruise terminal), and provide case studies of existing metropolitan areas where residential land uses are immediately adjacent to intermodal transportation land uses, outlining the positive and negative impacts associated with such adjacencies. The SEIR should discuss these items, given the significant impacts to the environment due to the Proposed Project. 4

As presently proposed, the public Main Street View Corridor is terminated by one of the tower masses along the Embarcadero of the Proposed Project, as well as the 8-story "townhouse" element along Bryant Street. Such a massing configuration would restrict public vistas of San Francisco Bay, and eliminate a visual connection to the waterfront from the public. As a result, the Proposed Project's massing proposal for Seawall Lot 330 is inconsistent with the following goal of the Special Area Waterfront Plan (www.sfport.com/goals.html): 5

> *"Urban Design Worthy of the Waterfront Setting. The design of new developments should be of exemplary quality and should highlight visual and physical access to and from the Bay, while respecting the waterfront's rich historic context and the character of neighboring development."*

In addition, the SEIR should add the following relevant adopted plans and policies:

*Page 33-35, Northeastern Waterfront Plan:*

*Policy 10.11*: Maintain and enhance existing grade level view corridors to the Bay.
*Policy 10:26*: Restrict development south of Broadway to the Height and Bulk Districts shown on Map 2.
*Policy 30.18*: Develop housing in small clusters of 100 to 200 units. Provide a range of building heights with no more than 40 feet in height along the Embarcadero and stepping up in height on the more inland portions to a maximum of 160 feet.
*Policy 30:23*: Design structures to protect views of the water down street corridors from the residential areas.

5 Cont.

*Page 35, San Francisco General Plan: Urban Design Element*:

*Obj. 1, Policy 1*: Recognize and protect major views in the city, with particular attention to those of open space and water.
*Obj. 1, Policy 2*: Recognize, protect and reinforce the existing street pattern, especially as it is related to topography.
*Obj. 3, Policy 5*: Relate the height of buildings to important attributes of the city pattern and to the height and character of existing developments.

*Page 43, Bulk Exceptions*: The SEIR should specify the extent of exceptions to the bulk limits required for each of the three proposed towers. 6

*Page 45-46, General Plan Consistency*: As currently proposed, the Seawall Lot 330 development portion of the Proposed Project would conflict with several policies of the General Plan, including the following:

Northeastern Waterfront Plan, Policies 10.1, 10.2, 10.11, 10:26, 30:18, 30.19 and 30:23.
Urban Design Element, Objective 1, Policies 1 and 2; Objective 3, Policy 5. 7

These inconsistencies must be discussed in the SEIR and should be deemed a significant impact of the Proposed Project. Mitigation measures and the assessment of potential Land Use, Plans, and Policies impacts of the Proposed Project – and each alternative – should also be quantified and discussed in the SEIR.

**1.2 Visual Quality**

The South Beach neighborhood has undergone tremendous change in the last decade, and is in some danger of losing its historical identity through large development projects. The SEIR should discuss the historical connection to the waterfront enjoyed by this neighborhood for over 150 years, and quantify public visual connections to the San Francisco Bay that still exist (such as the Main Street View Corridor). The SEIR should document proposed changes to these public visual connections resulting from the Proposed Project. 8

In addition, the SEIR should address the following specific comments on the analytical preparation of the Draft SEIR:

*Page 48-57, Photosimulations*: There are no views or photosimulations looking toward the Proposed Project from the west in the Draft SEIR. The SEIR should include photosimulations of the Proposed Project from a prominent public viewing area to the west of the project, such as from the corner of Harrison and Beale Streets atop the Harrison Street overpass. 9

*Page 62, Effects on Views*: The Project's effect on views of the Bay and East Bay hills down Main Street, as shown on Figure 27, should be deemed a significant effect on the environment, since the Proposed Project as currently configured "substantially obstructs a publicly accessible scenic view." The same conclusion might be reached for the existing scenic view from Harrison and Beale Streets. 10

**1.3 Transportation, Circulation, and Parking**

Currently, there are no proposed mitigation measures for traffic impacts at The Embarcadero/Bryant Street intersection. The Portside Neighborhood Committee feels that a reduction in the number of proposed parking spaces (specifically those supporting office space) on Pier 30-32 would mitigate traffic impacts of the Proposed Project at this intersection during peak periods as well as encourage a shift in transit modes from private vehicles to public transit. In addition, the SEIR should respond to the following specific comments: 11

*Page 68, Local Roadways*: Subsequent to September 11, 2001, Beale Street has been closed to traffic between Harrison and Bryant Streets, and may continue to be closed permanently to provide security for the Bay Bridge anchorage. The traffic analyses that assumed southbound travel on Beale Street must be redone to consider the change in setting and impacts associated with the potential permanent closing of Beale Street. 12

*Page 78, Table 5:* The intersections of Bryant/Main and Bryant/Beale were recently signalized. The traffic analysis should also be revised to reflect this change in an intersection in the immediate vicinity. 13

The SEIR should coordinate a revised traffic analyses with the San Francisco Department of Parking and Traffic incorporating these comments.

**1.4 Hydrology and Water Quality**

The SEIR should modify its analyses of Hydrology and Water Quality to measure the significance criteria against an appropriate baseline of cruise operations. The Proposed Project, as discussed at the beginning of Section 1, would induce demand for additional cruise operations to levels dramatically higher than those currently accommodated at Pier 35. As a result, the impact analysis of the SEIR should quantify operational effects to include the difference in the number of cruise operations with and without the Proposed Project. 14

**1.5 Air Quality**

It is apparent in the Draft SEIR that the Proposed Project would have a significant impact to Air Quality. However, there appears to be inconsistency regarding Air Quality and induced traffic congestion, and the Draft SEIR may have understated the significant impact to Air Quality:

*Page 131, Table 12:* The CO concentrations at The Embarcadero/Howard, Second/King, and Main/Harrison Street intersections appear to improve with the Proposed Project at the same time that traffic congestion at these same intersections worsens with the Proposed Project, *Page 78, Table 5*. Because traffic congestion is the leading cause of CO concentrations in an urbanized environment, the Draft SEIR appears to be understating the impact to Air Quality. However, there is no analytical information presented in the Draft SEIR with regard to CO concentration modeling inputs for public review. The SEIR should include this, particularly given the significant impact to Air Quality caused by the Proposed Project. In addition, the Bryant/Main Street intersection is now signalized, and the air quality impacts of the Proposed Project on this intersection need to be addressed, especially in light of the immediate vicinity of sensitive receptors. 15

With regard to toxic air contaminants, it is unclear that the Southern Waterfront project SEIR included in its toxic air contaminant analysis the impact of induced additional cruise operations as the result of a new, modern cruise terminal (Proposed Project). The SEIR should discuss the Southern Waterfront project SEIR toxic air contaminant analysis and quantify the operational effects to include the difference in the number of cruise operations with and without the Proposed Project, as discussed at the beginning of Section 1. 16

**1.6 Shadow**

Given the importance of the waterfront of San Francisco and The Embarcadero to public recreation, shade and shadow impacts to public spaces should be quantified and discussed. The Draft SEIR did not discuss shade and shadow impacts to the public promenade of the Embarcadero, or any open space. Discussion of these potential impacts is valuable, particularly given the proposed massing and dramatic increase in height limits of the Seawall Lot 330 portion of the Proposed Project. The SEIR should quantify shadow impacts on all nearby public promenades and open space due to the Proposed Project, particularly in the winter months, and compare the results against all appropriate alternatives. 17

**1.7 Hazardous Materials**

The SEIR should discuss the amount of dredging of San Francisco Bay required for the berths at Piers 30-32. Discussion should include both construction dredging and maintenance dredging for the life of the project, what the dredging material is comprised of, where dredging material is to be stored and transported, and the related risk to human health from hazardous materials. 18

**1.8 Biological Resources**

While the Waterfront Plan EIR concluded that a cruise terminal at Pier 30-32 (Proposed Project) has potential for "short-term" significant effects to Pacific herring due to pier piling modifications during their spawning period, it is unclear that the impacts of induced increases in cruise operations have been analyzed. As discussed at the beginning of Section 1, as well as in Sections 1.4 and 1.5, the Proposed Project would significantly increase the number of cruise operations. These cruise operations increase the potential impacts to biological resources due to the associated "accidental" bilge dumps. A significant increase in cruise operations significantly increases the likelihood of bilge dumps, and needs to be addressed in the SEIR. These discussions should include potential impacts due to both introduction of non-native species by bilge water and contaminated bilge water to the Bay as well as quantify these impacts to the Pacific herring. 19

In addition, it is unclear if the physical transport of cruise ships impacts biological resources such as the spawning habitat of Pacific herring. The SEIR needs to address this issue – and incorporate the induced increase in cruise operations as a result of the Proposed Project as discussed at the beginning of Section 1.

**2. <u>Alternatives Analyses</u>**

The Portside Neighborhood Committee has requested specific alternatives be addressed in the Draft SEIR, due to the size and potential environmental impacts of the Proposed Project. After reviewing the Draft SEIR, we are disappointed to find that some of our scoping requests were addressed in an offhand manner, or manipulated for the benefit of the Proposed Project. 20

We welcome the analysis of alternatives proposed by members of the general public, and request that a more thorough quantitative analysis of alternatives be included in the SEIR. Specifically, we request that the SEIR analyze a proposed alternative massing approach for the seawall lot that has been described at the December 20, 2001 Public Hearing by a number of interested parties. The massing proposal includes moving the tallest elements to the corner of Bryant and Beale Streets, allowing an increase in the height limits at this corner while reducing the height limits along The Embarcadero, and maintaining the Main Street View Corridor.

**2.1 Identification of the Environmentally Superior Alternative**

As disclosed in the Draft SEIR, the Proposed Project would result in significant environmental impacts to our community, the City of San Francisco, and the Bay Area in terms of traffic and Air Quality. Because of these impacts, the Portside Neighborhood Committee feels it imperative that the SEIR accurately disclose the impacts of the Environmentally Superior Alternative and quantitatively compare them with the Proposed Project. We feel that, due to the significant environmental impacts at stake, City decision-makers need to understand this information to appropriately weigh the adoption of the Proposed Project, or its alternatives, at the sacrifice of the environment.

The Portside Neighborhood requested an analysis of a Reduced Intensity Alternative that would be similar in scope and scale to Boston's Black Falcon Terminal. Being of smaller scale, the Reduced Intensity Alternative would not require the same level of subsidy as that of the Proposed Project. As a result, office space would not need to be located on Piers 30-32 (Public Trust lands), and the housing component would not need to be as massive or contain as many units as that of the proposed project. 20 Cont.

The Draft SEIR presented not one, but two "Reduced Intensity Alternatives." The "Pier 30-32 Reduced Intensity Alternative," *Page 186*, and the "Seawall Lot Reduced Intensity Alternative," *Page 189*, do not meet the spirit of our request for a truly reduced intensity alternative, because each calls for a full-buildout of the non-reduced portion; either the pier portions would be reduced and the seawall lot portions remain highly intensive, or the seawall lot portions intensity would be reduced and the pier portions remain highly intensive. This distinction is of the utmost importance because the "Pier 30-32 Reduced Intensity Alternative," *Page 186*, is identified in the Draft SEIR as the "Environmentally Superior Alternative." We feel that it is obvious that the reduction of intensity of BOTH the pier portions AND the seawall lot would result in an alternative with more environmental benefits than the "Environmentally Superior Alternative" identified in the Draft SEIR, and consequently be defined as the truly Environmentally Superior Alternative. Such an alternative should move the seawall lot massing to the corner of Beale/Bryant Streets, and maintain the Main Street View Corridor.

The Portside Neighborhood Committee requests that the redefined Reduced Intensity Alternative (Environmentally Superior Alternative) be not only qualitatively, but also quantitatively compared to the Proposed Project – specifically in regard to Transportation, Circulation, and Parking, Air Quality, and Visual Quality impacts. City decision-makers need to understand the implications to the environment of not adopting the Environmentally Superior Alternative.

**2.2 Piers 30-32 and Seawall Lot 337 (or Similar) Alternative**

Our request for an alternative in which property such as Seawall Lot 337 be used as subsidy for the cruise terminal instead of Seawall Lot 330 has not been addressed in the Draft SEIR. In light of the significant environmental impacts caused by the Proposed Project, we feel it imperative that this alternative be discussed in the SEIR. 21

The Proposed Project seeks to transfer Public Trust land, in the form of Seawall Lot 330, to the developer with the express intent to subsidize the construction of the cruise terminal with profits from the proposed condominium complex proposed for Seawall Lot 330. As estimated construction costs have risen for the proposed cruise terminal, the density and massing of the proposed condominium complex have increased proportionately, resulting in a worsening of environmental impacts. This proposed scenario for "mixed use development" does not require immediate adjacency of the cruise terminal and the condominium complex for the implementation of a successful project.

As a result, the Piers 30-32 and Seawall Lot 337 (or Similar) Alternative would transfer Seawall Lot 337, or a similar Public Trust land to the developer to subsidize the cruise terminal instead of Seawall Lot 330. The intent of this alternative is to lessen the combined impacts of the cruise terminal and condominium complex on the South Beach neighborhood and immediate environs (as in the Proposed Project), and balance the total projects impacts across a larger geographic area, thereby lessening total impacts to any single area. This alternative would accommodate the same level of cruise terminal operations as the Proposed Project. In addition, due to the larger development area of Seawall Lot 337 (or a similar location), this alternative would not require non-compatible land uses (such as office space) to occur on Piers 30-32, but incorporate such uses into the larger seawall lot. Benefits of this alternative would include the lessening of regional traffic impacts, due to the removal of a high-density housing component only accessible from a major approach to the Bay Bridge, improvements to Visual Quality, and enhancement of visual bay access.

21 Cont.

**3. Public Dissemination**

Because the Proposed Project would have significant impacts to the environment, and to aid in public dissemination of the EIR process, we request that the SEIR be electronically formatted for web-based distribution and posted on a website. To aid in this task, the Portside Neighborhood Committee would supply the EIR consultant with our electronic files and site-hosting capabilities for a stand-alone SEIR website.

22

For additional information regarding the Portside Neighborhood Committee's concerns, and discussions with the developer as well as elected and appointed officials regarding the proposed project, please refer to our website at www.portsideviews.org. Thank you again for the opportunity to provide comments on this Draft SEIR, and we look forward to participating in any other public outreach efforts during the EIR process.

The Portside Neighborhood Committee

| | | |
|---|---|---|
| Cc: | Willie L. Brown, Jr. | Mayor of San Francisco |
| | Tom Ammiano, | President, San Francisco Board of Supervisors |
| | Chris Daly, | San Francisco Board of Supervisors – District 6, Vice-Chair, Housing, Transportation and Land Use Committee |
| | Jake McGoldrick, | San Francisco Board of Supervisors, Chairman of Housing, Transportation and Land Use Committee |
| | Aaron Peskin, | San Francisco Board of Supervisors, Housing, Transportation and Land Use Committee |
| | Kimberly Brandon, | President, San Francisco Port Commission |
| | Byron Rhett, | Director, Planning and Development, Port of San Francisco |
| | John Doll, | Port of San Francisco |
| | Anne Cook, | Port of San Francisco |

## LETTER A – PORTSIDE NEIGHBORHOOD COMMITTEE

A-1) As is required by the California Environmental Quality Act (CEQA) and noted by the commenter, each environmental issue analyzed in the DSEIR includes a discussion of setting conditions in order to establish the baseline upon which the proposed projects' environmental effects can be assessed. The DSEIR used baseline data from 2001 or the most recent year available if 2001 data was not available. In addition, the provisions and requirements of CEQA (including *CEQA Guidelines*) listed by the commenter, as well as many other sections of CEQA, have all been adhered to in preparation of the DSEIR.

With specific regard to baseline cruise ship call data, the DSEIR assumed a baseline of 40 calls per year. Recent historical ship call data (see Port of San Francisco passenger and cruise ship statistics dated May 6, 2001, provided as Appendix A of this document) indicates that during eight of the past 15 years more than 40 cruise ships have called at the Port of San Francisco (primarily at Pier 35), and two of those years saw 77 calls each. As such, the baseline of 40 calls in 2000 and the projected 69 calls for 2004 are both conservative assumptions in that they overstate the increase in cruise ship calls as a result of the project. Because the air quality analysis is in large part reliant on the number of cruise ship calls, that analysis is also conservative. Similarly, in order to be conservative, the traffic analysis conducted for the DSEIR assumed no existing cruise terminal-related traffic, when in fact there is traffic generated by the existing cruise terminal now operating at Pier 35.

A-2) Each of the provisions and requirements of CEQA and the *CEQA Guidelines* listed by the commenter has been adhered to in preparation of the DSEIR. Specifically, with regard to CEQA Sections 21002 and 21081(a) and *CEQA Guidelines* Sections 15002(a)(3) and 15021(a)(2), the DSEIR analyzes a range of feasible alternatives (see pages 179-194) that the Planning Commission would have the discretion to approve instead of the proposed project. With regard to *CEQA Guidelines* Section 15091(a)(1), the DSEIR identifies mitigation measures (see pages 170-177) intended to substantially lessen significant environmental effects where possible. Per the requirements of this section, for significant effects that cannot be mitigated to a less than significant level, the Planning Commission would have the discretion to adopt findings of overriding considerations.

With regard to CEQA Section 21100(b)(2)(A) and *CEQA Guidelines* Section 15126.2(b), the DSEIR identifies significant and less than significant impacts for a full range of environmental issues, presents a range of alternatives and mitigation measures to address identified significant impacts, and includes Chapter V, Significant Unavoidable Environmental Effects That Cannot Be Avoided If The Proposed Projects Are Implemented. With regard to *CEQA Guidelines* Sections 15130(a)(1) and 15355, the DSEIR includes (within the respective sections of Chapter III, Environmental Setting and Impacts) an analysis of cumulative impacts for each environmental issue with the potential for such effects.

A-3) Based on research conducted more recently (*Market Research for James R Herman Cruise Terminal, California, USA*, G.P. Wild (International) Limited and Larry Dessler Associates, May, 2000) than the data provided in the 1998 alternative sites report to which the commenter refers,

the DSEIR states on page 182 that "it is anticipated that without construction of the cruise terminal proposed as part of the Cruise Terminal project, the Port could still potentially experience an increase in the number of cruise ship calls at Pier 35 from 40 ships in 2000 to 69 ships in 2004 and potentially further increases into the foreseeable future." Further, recent historical ship call data (see Port of San Francisco passenger and cruise ship statistics dated May 6, 2001, provided as Appendix A of this document) indicates that during eight of the past 15 years more than 40 cruise ships have called on the Port of San Francisco (primarily at Pier 35), and two of those years saw 77 calls each, substantially more than the 40 calls in 2000 or the projected 69 calls for 2004.

With regard to the Passenger Services Act (PSA), this same marketing study found that substantial changes to the PSA are unlikely and that the short cruise market (which is unlikely for San Francisco since such voyages are only viable with on-board gambling, which is prohibited in California) would be the most likely to benefit from any PSA changes. Therefore, large increases in the number of cruise calls or the number of cruise passengers to San Francisco due to changes in the PSA are unlikely and the assumptions used in the DSEIR regarding future increases in calls and passengers are appropriate.

As discussed in the response to Comment A-1, the DSEIR assesses the net increase in ship calls for each of the related environmental impact issues and assumes that the number of calls would increase from 69 in 2004 to 107 in 2020, as stated in the DSEIR on page 7 (including footnote 1).

A-4) The DSEIR includes Chapter III.A, Land Use, Plans, and Policies (pages 29-46) that addresses in depth local land use policies relevant to the Cruise Terminal project and assesses land use impacts within the South of Market waterfront neighborhood. With regard specifically to the public trust, the DSEIR (pages 40-41) explains its history, its key constraints, and the manner in which it is implemented. In addition, the Cruise Terminal project's consistency with the public trust is discussed, as stated on page 41:

> The primary purpose of the proposed project development on Pier 30-32 is to construct a new international cruise terminal for San Francisco. The purpose is clearly consistent with the public trust. Other commercial and recreational uses, such as those proposed in the project, may be determined to be consistent with the public trust. A final determination of trust consistency, as well as consistency with the Waterfront Plan, would be made by the Port Commission, in consultation with BCDC and the State Lands Commission. Residential uses on the seawall lot would not generally be considered as a trust-consistent use.

Regarding the compatibility of residential uses and a cruise terminal, the DSEIR includes a discussion of the policy documents (and, where pertinent, specific policies) that establish land use planning policy in this part of the City, including the Planning Code, General Plan, Waterfront Plan, San Francisco Bay Plan, and the public trust. In addition, the impacts discussion of this chapter (page 45) states that "...the neighborhood has been transformed into a bustling, residential neighborhood where people live, work, and can be entertained well into the evening. This dramatic development pattern has been encouraged by City policies, including the Rincon Point-South Beach Redevelopment Area, the Northeastern Waterfront Area Plan, and the Port's Waterfront Plan. These same policy documents also encourage and/or specifically call for the

land uses proposed as part of the projects, particularly the cruise terminal, public/recreational open spaces, and public access to and along the waterfront."

Based on the land use discussion and analysis provided in the DSEIR, and the fact that each project is assessed on its own unique qualities in the context of its specific neighborhood and area, case studies from similar projects located elsewhere are not required for a thorough environmental analysis that complies with CEQA.

A-5) For clarification, while there are views available looking southeast towards the Bay down Main Street, a "Main Street view corridor" is not identified in the Waterfront Plan or in the BCDC Special Area Plan. Therefore, as discussed in the response to Comment A-8, the protection of such views is not specifically called out in any applicable plan or policy. The commenter's statement regarding the seawall lot component of the Cruise Terminal project's compatibility with the particular goal of the Special Area Plan cited, is noted. Also, please see the response to Comment A-7.

It should be noted that the Waterfront Design and Advisory Committee (WDAC) was established pursuant to Section 240 of the San Francisco Planning Code to review Major Projects on Port property and provide design recommendations to the Port, Planning Department, and BCDC for projects within their respective jurisdictions. The Cruise Terminal would be subject to review by the WDAC. These design recommendations are intended to ensure that the urban design of Port projects complies with applicable goals, policies and design criteria in the Waterfront Land Use Plan and the goals, objectives, and criteria in the Plan's Design and Access Element (DAE), adopted by the Port Commission in June 1997.

The WDAC reviews most projects at the schematic design and final design phases of the project. In general, schematic design review would ensure a project's consistency with the DAE with regard to general layout issues, including site design, massing, architectural form, and size and circulation schemes of public areas. Final design should ensure the project's consistency with the DAE in regard to final layout and design of structures and open space areas, and review of exterior materials, finishes, detailing and colors. Review of environmental documents is required prior to the WDAC making its final recommendations.

With regard to public street view policies, page 36 of the DAE notes that "streets that connect to the waterfront should have views of the Bay, historic structures, or architecture that provides a waterfront identity." Appendix A of the DAE provides a list of specific streets and types of waterfront views to be provided. The Beale Street corridor is considered a "proposed view to Bay." Brannan Street is a "proposed view to architecture with a waterfront identity," i.e., the Pier 28 historic building. However, Main Street is not identified for such designation in the DAE as noted on page 58 of the DSEIR.

Per the request of the commenter, all of the policies from the *Northeastern Waterfront Plan* suggested by the commenter have been added to the DSEIR (see Section E, Staff-Initiated Text Changes).

In addition, in order to more directly address concerns regarding the potential for the seawall lot component of the Cruise Terminal project to adversely affect views (including those down Main Street towards the Bay), a new Reduced Building Height Alternative has been added to the DSEIR (see Section E, Staff-Initiated Text Changes). This alternative would reduce the heights of buildings proposed along Bryant Street and the northeast corner of the seawall lot, while increasing the height of the west tower of the seawall lot, thereby improving view corridors from both public and private vantage points.

A-6) The three towers proposed for the seawall lot would exceed the length and diagonal dimensions allowable under the current bulk classification (District F) by about 20-40 percent. The determination of whether the seawall lot component of the Cruise Terminal project would require an exception to the site's bulk requirements is a procedural issue and not one relevant to the nature and degree of environmental effects of the proposed project. The manner in which the height and bulk of the proposed buildings would have physical environmental effects, such as with regard to shadow and visual quality, have been addressed in the DSEIR (see Sections III.B, Visual Quality, and III.F, Shadow). Although the DSEIR analyzes the "worst-case scenario," should the final design of the proposed project, after going through community input and direction from the Port's Waterfront Design and Access Committee and the Neighborhood Planning division of the Planning Department (as part of the required conditional use authorization process), change in any way that would have the potential for additional or greater environmental effects than those analyzed in the DSEIR, additional environmental review would be required.

A-7) The commenter's statement regarding the seawall lot component of the Cruise Terminal project's consistency with the General Plan policies cited, is noted.

As stated on page 35 of the DSEIR:

> Conflict with a General Plan policy does not, in itself, indicate a significant effect on the environment within the meaning of CEQA. As stated in the CEQA Guidelines, "Effects analyzed under CEQA must be related to a physical change" (Sec. 15358(b)). To the extent that physical impacts may result from such conflicts, such physical impacts are analyzed in this SEIR. The General Plan contains many policies that may address different goals. Upon reviewing projects requiring its approval, the Planning Commission must decide whether, on balance, the project is consistent with the General Plan. In general, potential conflicts with the General Plan are considered by decision-makers independently of the environmental review process, as part of the decision to approve, modify or disapprove a proposed project. Any potential conflict not identified here could be considered in that context, and would not alter the physical environmental effects of the proposed projects.

As such, the Planning Commission would ultimately make a determination, independent of the environmental review process as to whether the proposed project is consistent with the land use policies relevant to the proposal. To assist the Planning Commission in its decision making, the Planning Department would provide the Commission with a report that indicates the Department's position regarding the project's consistency with each policy and more broadly

with relevant land use policies in general. Therefore, no additional analysis of project consistency with relevant plans and policies is required in the SEIR.

Further, Appendix G of the *CEQA Guidelines* suggests assessment of conflicts with applicable land use plan, policy, or regulation "adopted for the purpose of avoiding or mitigating an environmental effect." Such environmental plans and policies are those, such as the Bay Area Air Quality Plan, that directly address physical environmental issues and/or contain targets or standards that must be met in order to preserve or improve characteristics of the City's physical environment. The proposed projects would not obviously or substantially conflict with any such adopted environmental plan or policy.

A-8) As requested by the commenter, the DSEIR documents the proposed changes to public visual connections expected to result from the proposed projects. The DSEIR includes Chapter III.B, Visual Quality, which assesses the Cruise Terminal project's potential impacts on existing views per the requirements of the *CEQA Guidelines*. The analysis presents images of both existing and proposed (simulated) conditions for five different viewpoints, including: looking north to the seawall lot from The Embarcadero, looking southwest to the seawall lot from The Embarcadero, looking east towards the Bay/Pier 30-32 from near the seawall lot at Brannan Street, looking east towards the Bay/Pier 30-32 from the seawall lot, and looking southeast to the seawall lot from Main Street. These figures address two direct viewpoints of the pier component and three direct views of the seawall lot component, and were selected because they thoroughly represent the public viewpoints that would be most affected by the proposed project.

The DSEIR's analysis on page 162 indicates that the proposed project would result in the blockage of views looking southeast towards the Bay down Main Street. In order to more directly address concerns regarding the potential for the seawall lot component of the Cruise Terminal project to adversely effect views (including those down Main Street towards the Bay), a new Reduced Building Height Alternative has been added to the DSEIR (see Section E, Staff-Initiated Text Changes). This alternative would reduce the heights of buildings proposed along Bryant Street and the northeast corner of the seawall lot, while increasing the height of the west tower of the seawall lot, thereby improving view corridors from both public and private vantage points.

Regarding the commenter's request that the DSEIR "quantify public visual connections," quantification of visual quality impacts is not a widely used environmental assessment practice in dense urban areas, is not a method used by the San Francisco Planning Department, and is not required by CEQA.

As stated on page 58 of the DSEIR, the Waterfront Plan (Design and Access Element, p.36) "identifies Brannan Street as a proposed 'View to Architecture with a Waterfront Identity' and Beale Street as a 'Proposed View to Bay.' Bryant Street is described as a 'View to Historic Structures' because it visually terminates at Pier 28. Main Street views are not described." Similarly, as noted on page 58 of the DSEIR, the BCDC Special Area Plan "describes the existing and proposed (anticipated) views towards the waterfront down Brannan, Beale, and Bryant Streets. Main Street views are not discussed."

Further, it should be noted that the Waterfront Plan EIR, on which this DSEIR is tiered, addressed the effects on public views. Page 545 of the Waterfront Plan EIR states: "In the South Beach area, pier reconstruction and/or reconfiguration might block existing public views of the Bay from The Embarcadero and perpendicular streets. At the same time, new public views could be created." As stated on page 63 of the DSEIR, open spaces provided on Pier 30-32 as part of the Cruise Terminal project would afford publicly-accessible views to the Bay, the Bay Bridge, Yerba Buena Island, the East Bay, and the City, some of which would be broader and visible from slightly different perspectives than are currently available.

A-9) Please see the response to Comment A-8. While offering an additional perspective, views looking east towards the project site from west of the seawall lot would not provide substantive additional information that differs from the conclusions that can be drawn from the five photosimulations included in the DSEIR. In addition, views of the project site from west of the seawall lot are not available from important or highly accessible public viewpoints.

For example, the seawall lot and the Bay can clearly be seen by a pedestrian standing on the Harrison Street overpass above Beale Street, but this stretch of Harrison Street is not heavily used by pedestrians or otherwise used as a public space. This segment of roadway serves as a primary access route to and from the Bay Bridge, and is heavily congested with vehicles during the morning and evening commute hours. Because of the width of the roadway and sidewalk and the height of the balustrade (3 to 4 feet) along the southern edge of the sidewalk, views of the seawall lot and Bay are obscured from most vehicles travelling on Harrison Street. A 245-foot tall residential building under construction (Bridgeview condominiums) on the west side of Beale Street adjacent to the Harrison Street overpass has further limited the accessibility of views looking east from this vantage point. Thus, additional views from this location would not provide substantial new information regarding project-related visual impacts.

A-10) As noted in the response to Comment A-8 and in the DSEIR, the Main Street view corridor is not specifically identified for protection in the Waterfront Plan, General Plan, or in the BCDC Special Area Plan. There is no doubt that the proposed development on the seawall lot and Pier 30-32 would substantially alter the existing view down Main Street. Page 61 of the DSEIR states that "the Cruise Terminal project would result in a visually substantial and prominent addition to the waterfront and the South Beach area." Further, the Cruise Terminal would provide new public views to the Bay, and views very similar to the one that would be lost down Main Street are available at other nearby locations. As such, the DSEIR concluded the project would not result in significant impacts based on the significance criteria provided in the DSEIR and the requirements of CEQA.

Please see the response to Comment A-9 regarding views from the Harrison Street overpass above Beale Street. Also, as noted in the response to Comment A-8, to more directly address concerns regarding the potential for the seawall lot component of the Cruise Terminal project to adversely affect views, a new Reduced Building Height Alternative has been added to the DSEIR (see Section E, Staff-Initiated Text Changes).

A-11) As discussed in Section III.C, Transportation, Circulation and Parking of the DSEIR, the proposed Cruise Terminal project would result in the displacement of a total of 800 parking spaces, 300 spaces on Pier 30-32 and 500 spaces on the seawall lot. The proposed project would also construct a total of 800 spaces, 450 on Pier 30-32 and 350 on the seawall lot. As such, the project would provide 150 more spaces on the pier than currently exist. Even when taking shared parking into consideration, the pier component of the project would result in a shortfall of between 561 and 694 spaces when compared to parking demand. Per the Planning Code, the pier component of the project is required to provide more than 2,000 parking spaces.

Although parking is itself not considered to be a trip generator, the provision of parking on Pier 30-32 would focus traffic congestion at the intersection of Bryant Street/The Embarcadero as vehicles would pass through that intersection to enter or exit the pier's parking garage. As such, a reduction in the number of parking spaces on the pier would lessen the volume of traffic passing through this intersection. However, because of the substantial number of trips that would be generated by the uses on the pier component of the project site and the severity of the level of service of the Bryant Street/The Embarcadero intersection during the p.m. peak hour, traffic impacts at this intersection would remain significant without a substantial reduction in the number of parking spaces on the project site.

Specific policies intended to encourage visitors and employees working at the project site to arrive at the site by a means of transportation other than an automobile are included in the Transportation Demand Management Program (TDMP). (Mitigation Measure C.2 on page 170 of the DSEIR stipulates that a TDMP should be implemented to "reduce related impacts, such as the demand for parking.") A copy of the TDMP, which has already been agreed to by the project sponsor, is provided in Appendix H of the San Francisco Cruise Terminal Mixed-Use Project Transportation Impact Study. Limits on the use of on-site parking spaces for office tenants on the pier and other measures included in the TDMP could reduce the magnitude of the project's impacts, but traffic impacts at the Bryant Street/The Embarcadero intersection would likely remain significant. All of these measures could be considered and approved by the Planning Commission and other decision-makers.

A-12) The commenter is correct in noting that since September 11, 2001 the segment of Beale Street between Harrison and Bryant Streets has been closed to vehicular traffic due to security reasons. Because the DSEIR's transportation analysis was conducted prior to September 11, it does not reflect what at the time of its implementation was expected to be a temporary closure. (It should be noted that a final determination of whether the street will remain closed has not yet been made by the California Highway Patrol, the State agency authorized to make this determination). Of the three traffic analysis periods studied in the DSEIR, only the weekday PM peak hour considered the Bryant/Beale intersection. As indicated in Table 5 on page 78 of the DSEIR, that intersection was found to operate at an acceptable level (LOS B) at the time of analysis and projected to operate at the same acceptable level in both the Existing Plus Project and Cumulative 2020 conditions.

The traffic analysis found that an average of approximately 25 vehicles trips per hour would occur southbound at this intersection under future conditions. While closure of this segment of

Beale Street would result in increased congestion on alternative routes, such as along Main Street and The Embarcadero, the 25 trips that would be distributed over these other intersections would not result in different levels of service from those described in the DSEIR. Similarly, the DSEIR's analysis of pedestrian impacts would remain unchanged despite changes in pedestrian routes that have resulted from the street closure. As such, the conclusions in the DSEIR are correct and no additional analysis is necessary.

A-13) The commenter is correct in noting that the intersections of Bryant/Main and Bryant/Beale were recently signalized. Because the DSEIR's transportation analysis was conducted prior to the signalization of these intersections, the DSEIR does not completely reflect these changes.

Of the three traffic analysis periods studied in the DSEIR, only the weekday PM peak hour considered these intersections. As indicated in Table 5 on page 78 of the DSEIR, existing and future conditions at both intersections were found to operate at acceptable levels of service (Bryant/Main at LOS B/B and Bryant/Beale at LOS B/C). Although the existing conditions data was gathered prior to signalization, signalization generally yields improved operating conditions over stop sign controls. Therefore, the existing levels of service provided in the DSEIR are more conservative than if the same analysis had been conducted subsequent to signalization. More importantly, the DSEIR's analysis of future conditions assumed that both these intersections were signalized and therefore properly reflects the change in controls at the intersections. It should also be noted that this analysis meets CEQA requirements in that, per Section 15125, an EIR is required to analyze existing baseline conditions at the time the Notice of Preparation (NOP) is sent, thus a new analysis was not conducted.

A-14) The DSEIR's Hydrology and Water Quality impact analysis (pages 104-113) assesses operational effects associated with the net increase in cruise ship calls. As discussed in the response to Comment A-1, the baseline assumption of 40 cruise ship calls per year was a conservative assumption. An assessment of water quality effects that would occur without the proposed project is included in the discussion of the No Project Alternative (pages 182-183) in the DSEIR.

A-15) The commenter is correct in identifying that while traffic volumes would increase at the intersections of The Embarcadero/Howard, Second/King, and Main/Harrison, that the CO levels in the vicinity of those intersections are generally expected to decrease between 2001 and 2004 and 2020. The DSEIR explains this finding on page 130: "Although traffic volumes would increase with the project in 2004 and 2020, modeling results indicate that CO concentrations would be reduced. This is due to attrition of older, high polluting vehicles, improvements in the overall automobile fleet, and improved fuel mixtures (as a result of on going State and federal emissions standards and programs for on-road motor vehicles); these changes are incorporated into emission factors used in the calculations."

As requested by the commenter, the DSEIR explains the source of the data used for the CO calculations and how the calculations were conducted. This information is provided in footnotes a) and b) to Table 12 on page 131. The text of those two footnotes is as follows:

a) Concentrations relate to a location 10 meters from the edge of the roadways that form the intersection. The carbon monoxide analysis focuses on the evening (p.m.) peak-hour because the project's effects on traffic congestion and related carbon monoxide concentrations are greater during that period than during the morning (a.m.) peak hour. The UC Davis Transportation Project-Level Carbon Monoxide Protocol (Revised December 1997) was used to develop these estimates based on p.m. peak-hour traffic volumes prepared for this report. Carbon monoxide estimates shown above include background concentrations of 4.38 ppm, one-hour and eight-hour averages for existing conditions; 3.9 ppm, one-hour and eight-hour averages for 2004; and 3.48 ppm, one-hour and eight-hour averages for 2020.

b) Concentrations were estimated using CALINE4 modeling as the UC Davis Screening Protocol indicated a potential for violation of the CO standard.

Detailed CO calculation data, including results from the Transportation Project-Level Carbon Monoxide Protocol screening method and the CALINE4 modeling results for the intersections of The Embarcadero/Bryant and First/Harrison, is available for review by appointment at the San Francisco Planning Department, 1660 Mission Street, as part of Project File No. 2000.1229E.

As requested by the commenter, air quality impacts associated with the intersection of Bryant/Main Streets were assessed, with both existing and future (with proposed project) CO levels calculated. As shown in Table 12 on page 131 of the DSEIR, CO levels would diminish from their current levels under project conditions in both 2004 and 2020. Reevaluation of these intersections with signalization could result in slight changes to the estimated CO levels provided in the DSEIR, but because of conservative methods used in calculation of the original results, the conclusion that CO levels at this intersection would decrease from existing levels would remain true even with such reevaluation.

A-16) The air quality analysis of toxic air contaminants (TACs) in the DSEIR (page 118) reflects an assessment of the air quality effects associated with the increase in pollution generated by the additional cruise ships that would visit the Port as a result of the Cruise Terminal project. Appendix C of the DSEIR provides the daily and annual ship emissions calculations used for the DSEIR's air quality analysis (including that of TACs), including assumptions regarding the number and size of ships that would visit the Port. Further, the Southern Waterfront SEIR and this DSEIR were both prepared as supplemental EIRs tiered off of the Waterfront Plan EIR and analyze completely separate and unrelated projects. The calculations used for the cumulative air quality analysis in the DSEIR have taken into consideration the additional air pollution that would be generated by the projects analyzed in the Southern Waterfront SEIR.

A-17) The DSEIR includes section III.F, Shadow, which provides a shadow impact analysis of the proposed project, including twelve diagrams (three times per day, four times per year) that depict the shadows that would be cast by the proposed project. As stated in the Significance Criteria on page 135, "Planning Code Section 295 generally prohibits issuance of permits for new buildings exceeding 40 feet in height that would cause significant new shadow on open space under the jurisdiction of the San Francisco Recreation and Park Commission between one hour after sunrise and one hour before sunset, at any time of the year. A project would have a significant effect if it

would result in substantial new shadow on public open space under the jurisdiction of the Recreation and Park Commission during these hours." As such, only the project's shadow effects on public open spaces under the jurisdiction of the Recreation and Park Commission have the potential for significant environmental effect.

In addition, the DSEIR's shadow diagrams (Figures 31-34) do depict in detail the manner in which the Cruise Terminal project would cast new shade on The Embarcadero, including the Portwalk promenade on the Bay side of the street. The shadow diagrams indicate that only on winter mornings, when the shadows are at their longest, would the project cast new shadow on the Portwalk. This shadow is more a result of the proximity of the pier buildings along The Embarcadero than their height; a reduction in their height would likely not result in a noticeable improvement. During the winter, as depicted on the winter solstice diagram (Figure 34), the pier development would similarly cast shadow on the Portwalk in the morning, while in the late afternoon the seawall lot development would shade the entire western sidewalk and portions of the Portwalk.

With regards to these findings, the DSEIR states on page 141: "While the proposed project would add minimal new shadows to the project vicinity, the new shading caused by the project would not affect open spaces protected by Section 295 of the Planning Code such as South Park, other public open spaces such as South Beach Park, privately-owned publicly accessible open spaces, or private open spaces such as the one located within the inner courtyard at Bayside Village. Therefore, shadow impacts associated with the Cruise Terminal project would be considered less than significant." There are no other public open spaces or promenades that would be affected by the proposed project. Please see the Alternatives section of the DSEIR for a discussion of the shadow effects of each alternative in comparison to the proposed project.

A-18) Section III., D, Hydrology and Water Quality, of the DSEIR includes both information on the existing conditions and regulations regarding dredging in the Bay and specifically at Pier 30-32 (pages 102-103), as well as an impact analysis that specifically addresses the dredging that would occur at Pier 30-32 in accordance with the relevant permits (pages 110 and 112-113). The discussion addresses maintenance dredging, where dredged material would be disposed of, and the related effects on water quality (and therefore to human health).

A-19) The DSEIR projects that there would be a net increase in the number of cruise ships entering, berthing in and leaving San Francisco as a result of the proposed project. However, there is no known correlation between the increase of ship movements and a decrease in spawning habitat or negative effects on spawning behavior of Pacific herring (Becky Ota, Cal. Dept. of Fish and Game, per. comm., 2002). Moreover, herring spawning season is generally December through March, a period when there is little, if any, scheduled activity of cruise ships in the Bay. As stated on page 103 of the DSEIR with regard to the BCDC permit issued to the Port for maintenance dredging, "The permit also specifies that dredging activities will occur outside of the sensitive Pacific herring spawning season, December 1 through March 1, or as determined by California Department of Fish and Game."

The California Department of Fish and Game's primary concerns regarding the Pacific herring and effects on its spawning habitat are pier removal, pier repair and replacement, dredging, removal and addition of fill, and increased stormwater runoff. These issues are addressed in Section III.D, Hydrology and Water, of the DSEIR (see pages 104-113). Further, as noted in the summary of the Biological Resources discussion on page 10 of the DSEIR: "With implementation of Mitigation Measure H.1 from the Waterfront Plan EIR, which would limit pier repair/replacement work to outside the Pacific herring spawning period, both projects would result in less than significant impacts on biological resources."

With regard to potential impacts associated with both the introduction of non-native species by ballast water and contaminated bilge water, please see the responses to Comments D-1, D-3, D-5, D-6, and D-8.

A-20) CEQA Guidelines Section 15126.6(a) states that the range of alternatives to the proposed project discussed in an EIR "shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project and but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation."

As such, the DSEIR (Chapter VI., Alternatives) includes a brief discussion of two off-site alternatives as well as analysis of four alternatives for the proposed Cruise Terminal project, including a No Project Alternative, a Seawall Lot Hotel Alternative, a Pier 30-32 Reduced Intensity Alternative, and a Seawall Lot Reduced Intensity Alternative. Both of the reduced intensity alternatives would be environmentally superior to the proposed project, and the Pier 30-32 Reduced Density Alternative is identified in the DSEIR (page 186) as *the* environmentally superior alternative to the proposed project per the requirements of *CEQA Guidelines*. By providing two reduced density alternatives, decision-makers and the public are able to isolate how changes to each of the Cruise Terminal's components would alter the project's environmental effects.

In addition to the No Project Alternative, all three of the other alternatives analyzed in the DSEIR include substantially shorter seawall lot buildings that would comply with the site's existing height and bulk limits and would result in improved views, particularly form nearby private residences. In addition, the Seawall Lot Reduced Intensity Alternative would shift the larger seawall lot buildings to the western corner and middle of the property, thus achieving what was requested in comments on the Notice of Preparation.

Regardless of which alternative is identified as the environmentally superior alternative, or the precise manner in which the alternatives are presented in the DSEIR, the Planning Commission would have the discretion to approve the project as it proposed in the DSEIR, in the form of one of the alternatives discussed in the DSEIR, or in any other version it determines appropriate.

Nonetheless, in an effort to provide an alternative that both meets the requirements of CEQA and that would address the concerns raised by the commenter, see the Reduced Building Height Alternative added to the text of the DSEIR in Section E, Staff-Initiated Text Changes. This alternative would reduce the heights of buildings proposed along Bryant Street and the northeast corner of the seawall lot, while increasing the height of the west tower of the seawall lot, thereby improving view corridors from both public and private vantage points.

For clarification, it should also be noted that the most cost-intensive component of the Cruise Terminal project is the substantial reconstruction of Pier 30-32 (estimated to be in excess of $50 million) that would be required for development of a cruise terminal of any size. As such, development of a smaller cruise terminal structure would not be supported by the commercial and residential project components if substantially scaled back from what is described in the proposed project, thus not meeting the project sponsor's objective of a financially sound development project (DSEIR, page 4).

According to Section 15126.6(d) of the *CEQA Guidelines*, an EIR's alternatives discussion needs to include "sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project," and significant effects of alternatives can be discussed "in less detail than the significant effects of the project as proposed." This has been provided in the DSEIR and staff-initiated text changes that include a table (see page 141) comparing each of the alternatives to the proposed project.

A-21) Chapter VI of the DSEIR includes a discussion of two off-site alternatives for the proposed Cruise Terminal project, including Pier 35 and Piers 27 and 29. Seawall Lot 337 was not considered for development as part of the proposed project because it would not meet the project sponsor's objective of developing a residential use that would be economically synergistic with the mixed-use development on Piers 30–32.

As Seawall Lot 337 is currently under lease with the San Francisco Giants until 2009, this also does not meet the project sponsors' objectives because it is well beyond the timeframe for the planned build-out of the proposed project.

Further, development of Seawall Lot 337 would be inconsistent with the Port's Request for Qualifications and Proposals (June 1999) which specifically identifies the three-acre Seawall Lot 330 as the potential development opportunity site to be built in conjunction with Pier 30-32. The project sponsors entered into in an Exclusive Right to Negotiate on January 25, 2000 that allows negotiations for the lease, construction and operation of a Cruise Terminal, and mixed-use development on Pier 30-32 and Seawall Lot 330.

Additionally, page 146 of the Port's Waterfront Plan identifies Pier 30-32 and Seawall 330 as a waterfront mixed-use opportunity area. The Plan strongly encourages new commercial development on piers to be part of mixed-use developments which include maritime, open space, public access, commercial and residential uses together which "bring day and nighttime activity to the waterfront" (pages 82-83a). Seawall Lot 337 is not designated as an opportunity area, but the Plan allows for further community planning to re-evaluate acceptable uses for the site.

Residential or commercial uses are not currently allowed at the site (page 140 of the Plan and the Waterfront Design and Access Element, page 111).

Finally, a six-acre portion of Seawall Lot 337 is currently designated in the BCDC and Metropolitan Transportation Commission's San Francisco Seaport Plan (April 1996, as amended September 1997) as a port priority use area (page 53).

A-22) A copy of the DSEIR has been provided to every individual and organization that has communicated with the Planning Department about the proposed project. Many additional individuals and organizations were also provided with the document. At the initiation of the public comment period, hundreds of other individuals (including those residing or owning property within 300 feet of any portion of the project site) were notified by mail that the DSEIR had been published and was available by request free of charge from the Planning Department. The project site was posted with signs and a notice was placed in the Independent newspaper indicating the same information. In addition, the 45-day public comment period was extended by two weeks, thus giving concerned parties additional time to acquire and submit comments on the DSEIR. To date, more than 150 copies of the DSEIR have been distributed. CEQA does not require that environmental documents be made available electronically and the San Francisco Planning Department does not typically do so. Section 15087 of the *CEQA Guidelines* details requirements for public notification and document distribution. These requirements have been met, as were the requirements of Chapter 31 of the San Francisco Administrative Code.

B

# RINCON POINT - SOUTH BEACH CITIZENS ADVISORY COMMITTEE

January 15, 2002

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Mr. Paul Maltzer
Environmental Review Officer
Planning Department
30 Van Ness Avenue, 4th Floor
San Francisco, CA 94102

RE: Comments to Draft SEIR for the
San Francisco Cruise Terminal Mixed-Use Project

Dear Mr. Maltzer:

I begin by thanking you for the two-week extension of time to allow us to formulate our comments to the above referenced Draft SEIR (SEIR). I would also like to convey the opinion of the members of our CAC that this Draft SEIR was well formulated and quite thorough. The following are comments of members of the Rincon Point – South Beach Citizens Advisory Committee to the San Francisco Redevelopment Agency (CAC). Theses comments are a compilation of suggestions made at our regular CAC meeting and a sub-committee meeting attended by members of the CAC and agreed to by a majority of members present. Individual members of the CAC may also submit additional comments in their own correspondence, however, the purpose of this letter is to express the comments to the above referenced Draft SEIR on behalf of our CAC.

Chapter II: Project Description

*Page 1, Site Location:* Baycrest Condominiums, 301 Bryant Street Condominiums and the Bridgeview Residential Complex should be included in the any listing of nearby residential projects in the SEIR. 1

Chapter III: Environmental Setting and Impacts:

*Pages 29-30, Project Vicinity:* Once again Baycrest Condominiums, 301 Bryant Street Condominiums and the Bridgeview Residential Complex should be included in the description of residential projects and labeled in the arial photograph.

*Page 43, S.F. Planning Code:* Specify the extent of the exception to the bulk limit needed for the 17-story tower, and whether exceptions are needed (and to what extent) for the other two residential towers proposed. 2

*Pages 47-59, Views of Site:* There are no views looking toward the project from the west or from further south along the Embarcadero Promenade and Roadway in the SEIR. Photosimulations of the project as it relates to the entirety of the Bay Bridge as it comes ashore should be included from the prominent public scenic view heading north along the Embarcadero (and Embarcadero Promenade) from the 3

South Beach Park area. Additionally, the SEIR should include photosimulations from the northwest, possibly the Harrison Street overpass near Beale Street. These would help provide a much more complete visual quality analysis of the proposed project.

3 Cont.

*Page 63, Effects on Views:* Views from Baycrest Condominiums, 301 Bryant Street Condominiums and the Baycrest Residential Complex would be primarily affected in addition to Bayside Village and Portside Condominiums. Also, the effects on views from the two additional photosimulations above should be analysis of the project.

*Pages 64-65, Transportation Setting:* The transportation study analyzes three basic conditions with a number of scenarios under each condition, however, none of the scenarios include any quantitative analysis of traffic conditions when a game is going on at Pac Bell Park. This lack of analysis is rationalized on pages 82-83 for weekday day games at Pac Bell Park, however, we believe there is great potential for problems with both automobile and public transportation for weekend and weeknight games at Pac Bell Park for both the Base Case and Cruise Season conditions. This was identified as creating a "potential for overlapping impacts" on page 82, but in our opinion requires a more thorough analysis in this SEIR, including speaking with the Ballpark/Mission Bay Transportation Coordinating Committee to include their assessment of area transportation limitations on the over 80 game days per year.

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*Page 68, Local Roadways:* In response to the September 11, 2001 terrorist attacks, Beale Street has been closed to both automobile and pedestrian traffic at the Bay Bridge between Harrison and Bryant Streets. Since this closure will continue indefinitely, possibly permanently, the traffic analysis should be expanded in scope to include this continued closure. This closure has put a great deal more strain on Main Street for traffic and has significantly altered pedestrian flow, so we believe that it will have a significant impact on the traffic analysis and proposed mitigation.

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*Page 68, Regional Roadways:* There does not appear to be any analysis of the effect to traffic and roadways of the Bay Bridge Seismic Retro-fit Project that is underway and will take place over the next 3-7 years. Although the effects of the Bay Bridge retro-fit will be mid-term in nature, the closure of portions of the Bay Bridge traffic lanes for extended periods will have significant impacts to traffic in this area of the city as the 80 Freeway is one of the most heavily traveled corridors in the San Francisco area. We believe that, if it is feasible, the SEIR should include an analysis of the projected effects to the area including both this project and the Bay Bridge retro-fit project.

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*Page 78, Table 5:* The intersections of both Bryant/Main and Bryant/Beale have recently been signalized and the data should be adjusted accordingly.

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*Pages 86-88, Parking:* A parking shortfall is identified here, but is partially offset by the joint-use of parking spaces enabled by this being a mixed-use project which allows shared parking opportunities. However, it is our understanding that a

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grocery store will require designated parking spaces and it is normal practice in many office buildings for larger tenants to have reserved parking spaces. The SEIR should account for these types of reserved (and any other specifically reserved spaces) as not being part of the shared parking opportunities at the site and adjust the parking shortfall accordingly. Additionally, a more detailed assessment of alternative parking locations in the area as well as the ability of public transportation to handle additional ridership loads should be included in the SEIR before determination that the parking shortfall would not be a significant environmental impact. 8 Cont.

*Page 140, Shadow Impacts:* In the description of Figure 34, we believe that the shadow referred to in the third sentence will fall on the Bridgeview Residential Complex not on Portside Condominiums. 9

Chapter IV: Mitigation and Improvement Measures:

*Page 170, Transportation & Parking Mitigation:* The city has established the Ballpark/Mission Bay Transportation Coordinating Committee, which consists of over a dozen local and regional transit agency representatives, the San Francisco Giants, The San Francisco Redevelopment Agency and local area representatives. This committee is responsible for writing and implementing traffic management plans for the South Beach and Mission Bay areas, and has been very successful with its results over the past 4 years. As an additional Mitigation Measure, the SEIR should call for the developers of the San Francisco Cruise Terminal and Mixed-Use Project to become central participants on the Ballpark/Mission Bay Transportation Coordinating Committee, and utilize the recommendations of this committee in developing its traffic and parking planning for the project. 10

*Page 171, Truck Loading Mitigation:* We believe that the relocation of freight bays to Beal Street is not feasible as the moving vans are many times eighteen wheeled vehicles that will have great difficulty entering these bays from the narrow Beale Street location (with parking on both sides of the street also). Additionally, once a large truck is on Beale Street it will not be able to turn around and will be forced to back down Beale Street onto Bryant Street if the freight bay is occupied, creating a potentially dangerous situation. Also, as a practical matter in a residential complex with people moving in and out, the moving truck is going to double park near whatever building the resident is moving in/out of because of the weight and size of its load. The SEIR should explore other mitigations that are more practical and feasible for truck loading at the Sea-wall Lot Residential project. 11

*Page 172, Construction Mitigation:* We request that additional construction mitigations be called for in the SEIR that are identical to the mitigations agreed to and used by the San Francisco Giants during the construction of Pac Bell Park in our neighborhood. A great deal of thought and time was put into developing those mitigations and they worked effectively for both the neighborhood and the cover. 12

*Page 173, Construction Water Quality:* In addition to these mitigations, and mitigations contained in the S.F. Giants Construction Mitigations, we believe that a 13

mitigation is needed to ensure that trash is not inadvertently blown into the Bay from the Pier 30-32 site both during and after construction. 13 Cont.

Chapter VI: Alternatives to Proposed Projects:

*Pages 179-191, Alternatives:* We request that two additional alternatives be analyzed for feasibility and potential impacts at the site. The first being one large tower, approximately 200 ft in height, located in the Northwest corner of the site (Beale and Bryant Streets) with possibly one smaller tower at the 105 ft height limit and other low-rise (80 ft and below) structures on the site. We would request the inclusion of massing models and/or photosimulations so as to assess the impact of this type of design on public views also. Second, we believe that the SEIR should include massing models and/or photosimulations for the currently allowable height limits and density requirements for the site. Comparison of these with the massing model/photosimulations of the proposed Sea-wall Lot Residential project will provide for a more complete assessment of the impacts on public views for the various alternatives and allow for a more thoughtful analysis of possible alternatives to the proposed projects. 14

I thank you on behalf of the CAC for considering these comments to your Draft SEIR for the San Francisco Cruise Terminal Mixed-Use Project. I will notify you of any further comments should there be any in the near future.

Sincerely,

Richard Dickerson
Chairperson

cc: Tiffany Bohee, San Francisco Redevelopment Agency

## LETTER B – RICHARD DICKERSON, RINCON HILL – SOUTH BEACH CITIZENS ADVISORY COMMITTEE

B-1) Please see Section E, Staff-Initiated Text Changes for the appropriate revisions to the DSEIR's text and graphics pertaining to these three residential developments.

B-2) Please see the response to Comment A-6.

B-3) Please see the responses to Comments A-8, A-9, and A-10.

B-4) To directly address concerns about project-associated traffic conditions on game days at Pac Bell Park, a mitigation measure requiring the project sponsor to become a participant in the Ballpark/Mission Bay Transportation Coordinating Committee has been added to the DSEIR. Please see Section E, Staff-Initiated Text Changes, for this revision that adds Mitigation Measure C.11.

The DSEIR (pages 82-83) includes an analysis of the potential traffic impacts associated with the Cruise Terminal project on days when Giants games would occur at Pac Bell Park. According to this discussion, based on monitoring done of existing traffic patterns before and after Giants games, "automobile use was considerably lower than anticipated and attendees took advantage of a high level of transit access to the site." In addition, the Giants scheduled their home games to minimize the occasions when games would begin or end during the weekday peak commute. As a result, the number of times when weekday traffic to and from the ballpark would be most likely to overlap with the peak commute for the proposed project would be limited. While the DSEIR acknowledges that increased traffic congestion would occur along King Street at Second, Third, and Fourth Streets, the potential traffic impacts related to the overlapping of either the docking of a cruise ship or a special event at the Cruise Terminal with a weekday Giants game would be infrequent and therefore less than significant.

Because the DSEIR is concerned only with the additional environmental impacts that would occur as a result of implementation of the project, only those occasions on which the project would have the potential to substantially affect existing traffic conditions were analyzed. Therefore, the DSEIR analyzed the overlap between ballpark related traffic and the worst-case background traffic volumes, which occur during the weekday PM peak hour. Since weeknight games (a majority of home games) would begin at 7:00 PM or later, there would be little overlap between ballpark traffic and the peak commute hour. As such, there would not be a potential for the Cruise Terminal project to substantially worsen traffic conditions on such occasions and therefore no quantitative analysis of such a scenario was conducted.

Regarding occasions when project traffic would overlap with weekend midday games, the 2002 cruise ship call schedule indicates that nine of the 42 planned calls will occur on weekends during the baseball season. Of those nine calls, two will occur on days when a Giants game is scheduled for the evening and so will not overlap with the Weekend peak hour (12:00 noon to 2:00 p.m.). Two of the remaining seven calls will be of ships with fewer than 150 passengers, and therefore

those calls will not have a substantial effect on traffic volumes. Of the remaining five calls, two will occur on the same weekend in July. Therefore, there are four weekend days in 2002 on which cruise calls will overlap with both the peak hour and traffic to or from Pac Bell Park. Given that a vast majority of cruise calls currently occur on weekdays and that this scheduling pattern is expected to continue (2002 represents a typical cruise season schedule), the number of occasions on which traffic associated with operation of the Cruise Terminal project would substantially impact traffic conditions in the project vicinity would be very limited. As such, the proposed project would not result in significant effects associated with Weekend traffic on game days and no quantitative analysis of these potential effects is necessary. As already noted, the project sponsor would be required and has agreed to participate in the Ballpark/Mission Bay Transportation Coordinating Committee, thereby ensuring that coordination efforts would be made to minimize the occasions when a weekend overlap would occur.

B-5) Please see the response to Comment A-12.

B-6) The concerns raised by the commenter pertain to three separate projects. First is the Bay Bridge retrofit work, which has been underway for some time. This work is generally accomplished through a lane closure on each bridge level during off-peak periods and therefore has had minimal effects during peak periods.

Second, there is the planned construction of a new eastern span of the Bay Bridge. This construction will occur in a separate right-of-way from the traffic lanes on the Bridge and is not expected to affect operations on the eastern span. During the final stages of the project, when connections are made to the Yerba Buena Tunnel, there will likely be disruptions to traffic flows, but these would be for a limited period.

Third, there is the seismic retrofit of the west approach of the Bay Bridge, including replacement of the on- and off-ramps. As indicated on page 64 of the DSEIR, the transportation and parking analysis in the DSEIR is a summary of the *San Francisco Cruise Terminal Mixed-Use Project Transportation Impact Study* prepared by The Duffey Company. As part of the discussion regarding "Planned Improvements" on page 20 of that study, the following discussion regarding the Bay Bridge seismic retrofit is provided:

> In addition to these proposed improvements, the seismic upgrade of I-80 and the freeway portion of the Mid-Embarcadero Freeway Replacement project would temporarily affect access to and from I-80 and U.S. 101 between 2000 and 2006. The seismic retrofit of the west approach to the Bay Bridge is a major undertaking that will replace the main lanes of I-80 and all on- and off-ramps between Beale Street and Fifth Street. The lower deck of I-80 will be retrofitted between the Bay Bridge anchorage and Sterling Street. As part of this project, the access ramps to the Transbay Terminal will be reconstructed. This retrofit project will result in the temporary lane closures on I-80.

The Cruise Terminal project is proposed to be constructed and operating in mid-2004, while completion of the entire Bay Bridge retrofit project is planned for 2006. As such, the overlap between operation of the Cruise Terminal project and the retrofit work would be up to two years. Per the significance criteria provided on page 73 of the DSEIR, because the additional congestion

that would occur during the overlap of the Cruise Terminal project and the retrofit work would be temporary, related effects attributable to the proposed project would be considered less than significant.

B-7) Please see the response to Comment A-13.

B-8) With regard to the assumptions used in the shared parking analysis, as stated on pages 87-88 of the DSEIR, "The reduction in overall parking demand assumes that parking on the pier would be available and open for all project users and that spaces would not be reserved for specific tenants. The reduction also assumes that spaces on the seawall lot would be reserved for residential use and therefore were not considered in the calculation for shared parking." As such, the shared parking calculations did not directly consider some of the parking spaces on the pier to be reserved for grocery store patrons, office tenants, or any other uses.

However, the project sponsor intends to have a parking system in which no spaces are reserved for particular users, although some spaces would be set aside for particular uses (such as office and grocery) during particular periods. The sponsor also intends to use a computerized smart-parking system that would monitor all of the garage's spaces and make spaces set aside for particular uses available to other users if those spaces were not being used. Such a system would, for example, allow a portion of unoccupied spaces set aside for office tenants to be used by any project visitor during office hours and would make all unoccupied spaces set aside for office tenants available during non-office hours. While not allowing all spaces to be used by any project visitor at any time, such a system would minimize the number of spaces that would remain unused at any given time, thereby maximizing shared parking opportunities.

While the shared parking analysis did not assume certain spaces would be set aside for particular uses, as indicated on pages 62-63 (including the footnotes) of the Transportation Impact Study (TIS), the shared parking analysis was based on a conservative approach that adjusted the reduction in parking demand to consider the mix and nature of uses in the project and parking demand characteristics unique to San Francisco. Footnote 51 on page 62 of the TIS states that: "The *Shared Parking Planning Guidelines, ITE Technical Committee 6F-52, August 1995* were consulted. These updated guidelines would have permitted an even further reduction in parking demand, but the more conservative approach was used for this analysis." Page 63 of the TIS explains:

> The Urban Land Institute (ULI) and the Institute of Transportation Engineers (ITE) have conducted studies to determine what opportunities exist for shared parking when mixed uses that have different peaking characteristics are combined in a mixed-use development. The parking adjustment factors for monthly peaking characteristics were based on the ULI study and the variation in daily peaking characteristics was based on the more recently published ITE study.[footnote 53] These factors, further adjusted to reflect San Francisco conditions, were applied to the standard parking demand to determine the opportunities for reducing parking demand associated with the mix of uses proposed at Pier 30-32. [footnote 54] The residential spaces on Seawall Lot 330 would be reserved for residential use and therefore the parking demand for seawall lot was not changed for the shared parking analysis.

> Footnote 53 states: "The ULI retail monthly peak month variation (reduction) was not applied to grocery stores." Footnote 54 states: "The restaurant and retail mid-day ITE peak percentage reductions were not applied for this analysis to reflect the heavy restaurant/retail patronage during mid-day in San Francisco."

In addition, the TIS includes Appendix F, which is a detailed set of tables that provide the assumptions and calculations used for determining the proposed project's parking demand and shared parking demand, as discussed in the DSEIR.

It is important to make clear that the DSEIR addresses the parking shortfall that would occur both with and without consideration of shared parking opportunities, and presents the information with equal weight. The analysis of both conditions is provided on pages 87 and 88 of the DSEIR, where it is written:

> When estimating the parking shortfall as a comparison of parking demand to supply, the worst-case condition would occur during the Cruise Season when a special event is taking place at the Cruise Terminal, with a total shortfall of 1,134 spaces. For the Off-Season condition, the total parking shortfall would be 950 parking spaces. Under Base Case conditions, the parking demand shortfall would be 868 spaces. Under all conditions, the parking shortfall on Seawall Lot 330 would be 99 spaces and the remaining shortfall would occur on Pier 30-32.
>
> With the proposed mixed-use project, the opportunity for joint use of parking spaces would exist. Joint-use of parking spaces is possible when land uses composing a project have different peaking characteristics and parking spaces are freed up throughout the day as turnover occurs. If shared parking opportunities are taken into account, the parking shortfall could decrease to a total of 660 spaces during Base Case conditions, 793 spaces in the Cruise Season, and 729 spaces in the Off-Season. Under each of these scenarios, a parking shortfall would occur on both the seawall lot and Pier 30-32.

As such, the DSEIR indicates that using standard parking calculations, the project would have a parking shortfall (relative to demand) on the pier of 868-1,134 parking spaces. Using shared parking calculations, the project would have a shortfall of 660-793 spaces on the pier. Regardless of what demand calculation is used, the shortfall would be substantial when compared to the proposed pier parking supply of 450 spaces. As explained on page 88 of the DSEIR, "The parking shortfall would be considered a social effect, but not a significant environmental impact." Therefore, the determination of a lack of significance is the same regardless of which method of calculation is used, and the DSEIR's analysis does not underestimate the project's effects by providing a shared parking analysis as one of its methods for calculating the parking shortfall.

It should also be noted that, as stated on page 119 of the DSEIR, Pier 30-32 is located in Waterfront Special Use District #1. As authorized by Planning Code Section 240, Section 161(f) of the Planning Code permits the Planning Department or Planning Commission to reduce the off-street parking requirements in Waterfront Special Use District #1 with consideration of a number of criteria that address parking demand, nearby land uses, and freeway accessibility. The project would therefore require approval of an off-street parking exemption under Section 161(f) for provision of less than Planning Code-required parking at the pier.

B-9) The commenter is correct in noting that the shadow depicted in Figure 34 on page 139 would not be on the Portside Condominium complex. The shadow would extend to the edges of the Baycrest condominiums (located on Harrison Street between Beale and Main Streets), and not the Bridgeview condominiums, located on the west side of Beale Street. As such, please see Section E, Staff-Initiated Text Changes for the appropriate revision to the DSEIR.

B-10) Please see Section E, Staff-Initiated Text Changes, for revisions to the DSEIR that indicate the project sponsor's required participation in the Ballpark/Mission Transportation Coordinating Committee as an additional mitigation measure.

B-11) As originally designed, the proposed project included loading bays that would be accessed from Bryant Street. Because traffic volumes are substantially lower on Beale Street than on Bryant Street, the DSEIR identified Mitigation Measure C.7 to minimize the potential traffic disruption effects of truck loading. Mitigation Measure C.7 states: "Relocate the freight loading bays proposed for the seawall lot component of the project to Beale Street to eliminate the potential conflict with traffic on Bryant Street during the weekday commute periods. . ." The DSEIR also identified Mitigation Measure C.8, which would restrict truck loading during the PM peak period to further minimize traffic conflicts. As such, as noted on page 90 of the DSEIR, with implementation of these two measures, the Cruise Terminal project would have less than significant truck loading impacts. In the unlikely event that a truck would enter Beale Street and find that both loading spaces were occupied, the disruption to traffic would be minimal because such an event would occur only during non-peak hours.

With regard to the project site's ability to accommodate trucks as long as 60 feet (i.e. 18-wheeled vehicles), trucks longer than 40 feet are rarely used in San Francisco, for any kind of service, including moving. A truck turning radius analysis was, however, conducted for the seawall lot and indicates that trucks as long as 40-50 feet could be accommodated by project loading spaces accessed from Beale Street with removal of on-street parking on the west side of Beale Street immediately across from the proposed loading dock. The number and location of spaces that would potentially be removed would be determined by the Department of Parking and Traffic.

The seawall lot would include two 50-foot long loading spaces, the same number as required by the Planning Code. While it is possible that moving vans or other trucks visiting the seawall lot would potentially not park in the loading spaces even if they were available, drivers of such vehicles, if violating parking laws, would be subject to ticketing by the Department of Parking and Traffic. The provision of more, larger, or differently located loading spaces than as required by the Planning Code would not completely eliminate this possibility.

B-12) At the request of the commenter, both the EIR and the Conditional Use approval for Pacific Bell Park were reviewed for additional transportation mitigation measures that would be relevant to the proposed Cruise Terminal project. While none of the measures were found to be directly relevant, the DSEIR includes several mitigation measures that are similar to those for the Ballpark (see pages 170-172 of the DSEIR). These measures include the implementation of a Traffic Demand Management Program (TDMP), contribution to an Intelligent Transportation Management System (ITMS) that would include changeable message signs, installation of pedestrian signals,

contribution toward additional transit capacity, coordination with the San Francisco Giants' management regarding parking for special events, and coordination with the Department of Parking and Traffic and MUNI during construction.

In addition, as discussed in the response to Comment B-4, the DSEIR has been revised to add Mitigation Measure C.11, which requires the project sponsor to become an active participant in the Ballpark/Mission Bay Transportation Coordinating Committee and work with the Committee to develop traffic and parking plans for the Cruise Terminal project.

B-13) Please refer to Improvement Measure D.4, on page 174 of the DSEIR, which requires the implementation of Best Management Practices that would limit potential adverse effects of construction on Bay water quality. Improvement Measure D.4 states, in part, "In order to minimize potential for spills, construction materials or debris to enter the Bay and affect water quality, site-specific construction methods and precautions, such as limiting activities on days of strong winds, could be included in the contractor's construction specifications to minimize effects on water quality."

B-14) Regarding the inclusion of additional alternatives, please see the response to Comment A-20. As indicated in that response, in order to more directly address concerns regarding the potential for the seawall lot component of the Cruise Terminal project to adversely affect views, a new Reduced Building Height Alternative has been added to the DSEIR (see Section E, Staff-Initiated Text Changes). This alternative would reduce the heights of buildings proposed along Bryant Street and the northeast corner of the seawall lot, while increasing the height of the west tower of the seawall lot, thereby improving view corridors from both public and private vantage points.

Also, as noted in the response to Comment A-20, Section 15126.6(d) of the *CEQA Guidelines* requires that alternatives be analyzed in comparison to the project and allows for alternatives to be analyzed in lesser detail than the proposed project. As such, while photosimulations are provided for each of the five viewpoints to analyze the visual quality effects of the proposed project, such images (or alternatively, massing models) are not required for analysis of the alternatives.

C

# San Francisco Tomorrow

*Since 1970, Working to Protect the Urban Environment*

January 16, 2002

Rick Cooper
Office of Environmental Review
30 Van Ness
San Francisco, CA 94102

Project: 2000.1229E; San Francisco Cruise Terminal Mixed Use Project and Brannan Street Wharf Draft Supplemental Environmental Impact Report

Dear Sir:

Thank you for extending the comment period on this document. San Francisco Tomorrow has many concerns about this project and appreciates the opportunity to address them fully.

**Open Space**

This document does not analyze the public access provided on the pier, nor do the drawings in the project description give square footages for the various areas marked as Open Space. Can this information be provided?

As shown, it would appear that every pedestrian corridor has been labeled "open space". This is not appropriate. Area required for circulation should not be counted as square footage for open space. The "plazas" located within the pier look like wide corridors rather than legitimate, usable open spaces. Also, while some sheltered open space is desirable, it seems unreasonable to place the majority of open space in the interior of the pier. 1

In order to analyze the effectiveness of the open space, there should be some analysis in this document of how these spaces might be used. For instance, the southern edge of the pier is meant to be the focus of the neighborhood activity, yet no open space other than pier access is provided.

There are very specific public access needs for this project. This document should list those needs and analyze how the open space in the project will address those needs.

# San Francisco Tomorrow

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- Employees. I can find no information in this document concerning the total number of employees on site - can you please provide that information? - but a rough estimate just of the office space would indicate over 1500. Where will these employees congregate on sunny days? On inclement days?
- Cruise visitors. How many will actually use the open space on site?
- Local visitors. If this is going to be a neighborhood gathering place, where will they be likely to gather? In an interior space? At the far eastern edge of the pier? The open spaces as laid out don't seem to provide a realistic gathering space for the neighborhood
- Regional visitors. What will attract these visitors to the open space? Interior plazas?

1 Cont.

How will the landscaped terraces be accessed?

**Visual Quality**

It is unclear from the photos and descriptions what the visual impact will be for the pedestrian. Will there be a streetwall along the Embarcadero with no setback for the entire length of the pier, with the only breaks being the vehicle access to the cruise terminal and the parking lot? Will there be any views from Herb Caen way through the project? How will pedestrians access this project? How permeable will the structures along the Embarcadero be? What will the pedestrian see within the project? The layout shown gives the appearance of a shopping mall. 2

There is also an issue of how the dual focus of the project on the pier will be resolved visually. The inlet on the southern edge is presumably the focus of the neighborhood commercial area. But the cruise terminal is the reason for the entire development, and is intended to be the architectural focus of the project. Yet the 4-lane access road has the effect of cutting it off from the rest of the pier development. How will this building be incorporated into the rest of the project?

**Air Quality**

The mitigation measures on Pages 174-177 list the effectiveness of some of the measures. These should be placed in table form to show what quantitative impact they have in reducing the impacts of this project on air quality. 3

# San Francisco Tomorrow

*Since 1970, Working to Protect the Urban Environment*

No mitigation measures are listed to reduce the significant diesel emissions from this project. These could include

- Require ships in port to turn off engines and connect to on-shore power supplies
- Require home-ported ships to use best available technology to reduce emissions
- Require shuttle buses to run on alternative fuels
- Require developer to contribute to purchase of alternative fuel buses for Muni
- Require developer to contribute to the Port's Diesel emission reduction program
- Require trucks and buses to turn off their engines within 5 minutes of parking at the project.

3 Cont.

**Transportation**

The Cruise Season condition should be analyzed with 2 berths in use, not one. Unless conditions are placed on the project limiting the number of days that both berths can be in use, the assumption must be that every effort will be made to fill both berths. 4

In Table 2, it would be helpful if the Daily Trip information was split into employees and visitors for the Retail, Grocery, and Restaurant uses. 5

This document lists 5 Muni lines within ¼ mile of the project. Three of those lines operate only at weekday peak hours (80X, 81X, 82X) and one (12 Folsom) operates within ¼ mile of the project in only one direction. That means that only the N streetcar, and, beginning in 2004, the E trolley line, fully serve the project. Will any route changes be required to serve this project? 6

The degradation of service at so many intersections will impact Muni service. Please analyze this by listing the impacted lines, the amount of delay expected, the cost to Muni, and possible mitigation in the form of route changes and/or reparations to Muni. 7

Additional parking mitigation measures should include; 8

- Instituting "parking cash out" for businesses in the project area (instead of offering free parking, offer cash not to use parking)
- On the seawall lot, separate parking from housing and retail each separately

8 Cont.

No information is given on pedestrian volumes in this document. How can impacts be assessed if this information is not provided? No figures are given on the intersection of pedestrian traffic on the Embarcadero and vehicular traffic entering the pier project. While a signal for the Bryant street vehicular entrance is planned, I don't find a similar commitment for the parking garage entrance. And even if such a signal is required, it could only regulate exiting vehicles. Those entering from the Embarcadero would make a right-hand turn as pedestrian traffic allowed. Right-hand turns tend to pose a hazard to pedestrians, and will also block vehicular traffic along the northbound Embarcadero.

9

The impacts of the mitigation measures need to be quantified, in table form if at all possible.

10

**Hydrology and Water Quality**

As a member of the Alliance for a Clean Waterfront, we support their comments on this document.

11

**Alternatives**

The extreme, unmitigable transportation and air quality impacts of this project makes review of the alternatives more urgent. It would be extremely helpful if the impacts of the alternatives could be presented in table form to facilitate comparison. This is particularly true of the code compliant, environmentally superior alternative.

12

We trust that our comments will be of assistance in improving this project.

Sincerely,

Jane Morrison, President
564-1482

Jennifer Clary, Waterfront Chair
981-1405

## LETTER C – JANE MORRISON AND JENNIFER CLARY, SAN FRANCISCO TOMORROW

C-1) The DSEIR analyzed the Cruise Terminal project in the greatest level of design detail available at the time the analysis was conducted. Detailed aspects of the design of a large development like the proposed project evolve throughout the design and permitting process as a result of input from community groups, the Planning Department, the Planning Commission, the Port Commission, Port staff, the Waterfront Design and Advisory Committee, and the BCDC Design Review Board. The DSEIR does address the broader land issue issues associated with the compatibility of the proposed uses and the provision of public open space for both the Cruise Terminal and Brannan Street Wharf projects in Chapter III.A, Land Use, Plans, and Policies. Should the final design of the Cruise Terminal project, after going through revision subsequent to community input and direction from the Port, BCDC, and Neighborhood Planning division of the Planning Department (as part of the required permitting process), change in any way that would have the potential for additional or greater environmental effects than those analyzed in the DSEIR, additional environmental review would be required.

Also, please see the response to Comment A-5 for a description of the Waterfront Design and Advisory Committee design review process. In addition to this public forum, the public may participate in public hearings for the Port Commission, Planning Commission, and BCDC permit processes, as cited on pages 26-28 of the DSEIR.

C-2) The visual impact for the pedestrian is depicted in the photosimulations from five public viewpoints included in the section III.B, Visual Quality, of the DSEIR. All five of these views are from the pedestrian perspective. Again, as noted in the response to Comment C-1, the ultimate design of the pier component of the Cruise Terminal project will continue to evolve through input received as part of the authorization process. The commenter is referred to the photosimulations, as well as the site plans, elevations, and perspective (provided on pages 5 and 8-14 of the DSEIR) to see how the project would look to the pedestrian, the views that would be available through the site, and how pedestrians would access the site.

C-3) The expected quantitative effect of each trip reduction measure included as part of the operational air quality mitigation is provided in parentheses after each measure. The precise level of effectiveness on reducing the air quality impacts of the project would be extremely difficult to determine. Further, even with the effective implementation of all of the measures, the proposed project would still result in significant operational air quality impacts. As such, no additional information as to the effectiveness of these individual measures was provided.

With regard to the mitigation measures recommended by the commenter, three new mitigation measures have been added to the DSEIR to directly address air pollutant emissions related to cruise ships and operation of the proposed cruise terminal. Please see Section E, Staff-Initiated Text Changes for the appropriate revisions to the DSEIR.

C-4) A discussion of the additional transportation effects that would occur on days when two cruise ships would be in port under the proposed project is provided on page 84 of the DSEIR, including the effects on intersections of this condition. Because the condition under which two cruise ships would be in port is expected to occur fewer than 15 days per year, the more typical condition of one ship in port was analyzed for the Cruise Season scenario.

C-5) Please refer to the trip generation analysis calculations sheets in Appendix C of the *San Francisco Cruise Terminal Mixed-Use Project Transportation Impact Study*, prepared by the Duffey Company, for a detailed breakdown of the work and non-work trips for each of the uses of the proposed project.

C-6) With implementation of the Cruise Terminal project, additional local transit capacity would be required under cumulative conditions. As stated on page 86 of the DSEIR:

> Along the southeast screenline, MUNI service would operate at 98 percent of capacity overall and 108 percent of capacity on southeast lines other than those along the Mission Street and Third Street corridors ('Other Lines'). The proposed project would contribute about 17 percent of the cumulative growth to the overall screenline and about 17 percent to the cumulative growth on the "Other Lines." The project's contribution to this screenline would be considered a significant impact under Cumulative conditions. . . .However, with implementation of identified mitigation (see Chapter IV for Mitigation Measures C.5 and C.6) that would add transit capacity to the southeast screenline and require the project sponsor's coordination with the MUNI Special Events office, the project's contribution to this impact would be reduced to a less than significant level.

Mitigation measure C.5 on page 171 of the DSEIR requires that the project sponsor contribute the project's fair share for the provision of 107 peak hour transit spaces. Prior to completion of the project, MUNI would determine the manner in which the funds contributed by the project sponsor to MUNI would be used, either to add more capacity or to make adjustments to existing lines. Mitigation Measure C.6 requires the project sponsor to coordinate with the MUNI Special Events Office regarding planned special events at the project site.

Based on the project's waterfront location, primary reliance would likely be on adjacent streetcar service. In addition to existing N-line service and the potential E-line service, additional capacity would be available along the waterfront with implementation of Third Street rail service (at least until the eventual completion of the Central Subway extension, if and when that project proceeds). With build-out of the Mission Bay project, supplemental rail service between Market and Mariposa Streets is expected to be implemented. While the DSEIR identifies significant transit impacts affecting MUNI's southeast screenline, substantially greater service capacity would be expected to be available in the immediate project vicinity.

C-7) The commenter is correct in noting that the degradation in intersection level of service as a result of the Cruise Terminal project would also impact local transit service. The level of service and delay information provided in the traffic impact analysis of the DSEIR (see Tables 5-7) apply to both private vehicles and MUNI. A comparison of Figure 29 on page 69 of the DSEIR, which indicates the routes of each of the lines that serve the project vicinity, with Tables 5-7, reveal

which MUNI lines would be affected and to what degree under each of the scenarios listed. As the project would be primarily served by rail service along the waterfront, this service would be minimally affected because it functions in its own dedicated right-of-way. Congestion could increase delays for bus lines operating in mixed traffic, but quantification of these delays cannot be reasonably estimated. With implementation of the proposed project, MUNI would assess the need for route changes and make any changes it deemed necessary.

Determining the amount of any additional costs MUNI might incur as a result of increased traffic due to the project is not an analysis typically conducted for an EIR analysis, nor is there an established manner in which such a calculation could accurately be made. Further, because MUNI calculates a project's fair share contribution based as a percentage of the expense associated with providing additional capacity, the calculation requested by the commenter would not prove useful for implementation of appropriate mitigation. However, as discussed on page 86 of the DSEIR, the Cruise Terminal project would be subject to the Transit Impact Development Fee of $5.00 per square foot of office space. Payment of this fee is a standard form of mitigation for office projects in the downtown area.

C-8) No free parking would be provided on the Pier 30-32 component of the Cruise Terminal project site. On Seawall Lot 330, all 350 parking spaces to be provided would be for the exclusive use of residents of the condominiums constructed as part of the project. No parking for retail uses would be provided on the seawall lot. Specific policies intended to encourage visitors and employees working at the site to arrive at the project site by a means of transportation other than an automobile have been identified in the Transportation Demand Management Program (TDMP). A copy of the TDMP, which has already been agreed to by the project sponsor, is provided in Appendix H of the *San Francisco Cruise Terminal Mixed-Use Project Transportation Impact Study*.

C-9) The DSEIR includes pedestrian volume information on pages 91 and 92, where it is stated that "In the PM peak hour, the proposed project would generate approximately 1,435 walk trips in the Base Case and during the Cruise Season and about 1,580 trips during the Off-Season. In addition, people using transit would approach the project site on foot."

Regarding pedestrian safety, on the same page it is stated that "To ensure that the potential conflicts between pedestrians and signal controlled vehicle movements at this location would not result in hazardous conditions, a pedestrian warning system and a pedestrian countdown signal should be incorporated into the project design (see Mitigation Measures C.9 and C.10 in Chapter IV). With implementation of these mitigation measures, the project would not result in any significant effects related to pedestrian safety." Mitigation Measure C.9 addresses pedestrian safety adjacent to the project site at The Embarcadero and Bryant Street intersection, while Mitigation Measure C.10 states that "A pedestrian countdown signal should be installed on the pier side of The Embarcadero at the project driveways at Bryant Street and north of Brannan Street."

In addition, the project sponsor has committed to providing a signal-controlled pedestrian crossing at the Bryant Street/The Embarcadero intersection that would be controllable by pedestrians,

traffic calming devices in the project driveway, warning signage for both vehicles and pedestrians, and cooperation with the Department of Parking and Traffic to ensure strict enforcement of traffic laws and safety precautions.

Please also note that the new Reduced Building Height Alternative described in Section E, Staff-Initiated Text Changes (page 134) would eliminate the secondary driveway off of The Embarcadero, thus further reducing the potential pedestrian conflicts created by the Cruise Terminal project.

C-10) For each traffic scenario analyzed in the DSEIR's Transportation section, a thorough discussion of projected project impacts is provided. For each significant impact identified, a discussion of corresponding mitigation measures is provided, including whether or not the relevant measure would reduce the impact to a less than significant level. For detailed quantitative analysis of the effects of implementation of identified mitigation measures, please refer to the tables provided in Appendix D of the *San Francisco Cruise Terminal Mixed-Use Project Transportation Impact Study*.

C-11) Comment noted. Also, please see the responses to Comment Letter J, from the Alliance for a Clean Waterfront.

C-12) The DSEIR includes a concise summary of the alternatives discussion on pages S-20 through S-23. As stated there, the air quality impacts of each of the alternatives (excluding the No Project Alternative) would be the same as those of the proposed project. Regarding traffic, the Seawall Lot Hotel and Seawall Lot Reduced Intensity Alternatives would have the same impacts as the proposed project, while the Pier 30-32 Reduced Intensity Alternative would have the same impacts as the proposed project except that significant impacts at the Second/King and Third/King intersections and the significant cumulative transit impact would be eliminated. To assist with the review of all of the alternatives in comparison with the proposed project, the table provided below in Appendix B of this document is added to the Summary section of the DSEIR (see Section E, Staff-Initiated Text Changes). This table includes the new Reduced Building Height Alternative.

STATE OF CALIFORNIA

GRAY DAVIS, *Governor*

**CALIFORNIA STATE LANDS COMMISSION**
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January 2, 2002

File Ref: SCH #1994123007

Ms. Nadell Gayou
The Resources Agency
901 P Street
Sacramento, CA 95814

Mr. Rick Cooper
San Francisco Planning Department
1660 Mission Street, 5th Floor
San Francisco, CA 94103

Dear Ms. Gayou and Mr. Cooper:

Staff of the California State Lands Commission (CSLC) has reviewed the Draft Supplemental Environmental Impact Report (DSEIR) for the San Francisco Cruise Terminal Mixed-Use Project and Brannan Street Wharf Project, SCH #1994123007. Based on this review, we offer the following comments.

Jurisdictional Comments

The proposed project involves sovereign tidelands and submerged lands granted in trust, by the Legislature, to the City of San Francisco, pursuant to Chapter 1333, Statutes of 1968, and as amended, with minerals reserved to the State of California. The CSLC has an oversight responsibility for those lands granted to local governments and we are a Trustee Agency under the California Environmental Quality Act (CEQA) for the proposed activities. Additionally, on October 8, 1999, the Governor of California signed into law AB703, "The Ballast Water Management For Control of Nonindigenous Species Act " (Act), which became effective January 1, 2000 (Public Resources Code Sections 71200 – 71271). The Act established a statewide mandatory ballast water management and control program under the jurisdiction of the CSLC (Public Resources Codes Sections 71206 – 71207). 1

Specific Comments

1. The DSEIR should include a discussion of terrorism and the risks associated with possible attacks on high capacity passenger vessels and their terminal facilities. Additionally, a detailed description of planned security measures for the proposed terminal should be developed and submitted to the proper authorities for review and approval. Finally, in relationship to security issues, the DSEIR should evaluate the impacts of increased passenger vessel traffic on public services (US Coast Guard, police, fire, etc.) in the region. 2

2. Due to the lack of approved alternative ballast water treatment technologies, the lack of shore-based treatment systems and the ineffectiveness of mid-ocean ballast water exchange, the DSEIR should also evaluate the potential impact of nonindigenous aquatic species on plant and animal life (including special status species) in the vicinity of the proposed terminal and potentially affected areas of the San Francisco Bay Estuary. 3

3. Chapter III, C. Transportation, Circulation and Parking. According to the DSEIR, the project is expected to raise vessel calls from approximately 40 per year to 109 by the year 2020. The DSEIR, however, has not evaluated the impacts, direct and cumulative, of this expected increase in vessel calls on vessel traffic within the Port and the open water traffic lanes in the San Francisco Bay. 4

4. Chapter III, D. Hydrology and Water Quality, Page 98. Under the Clean Water Act, Section 303 (d), San Francisco Bay is listed as an impaired water body. Several pollutants are identified as causing impairment, including exotic species. The law requires the development of Total Maximum Daily Load (TMDL) to improve water quality. It is likely that the TMDL for exotic species will be set to zero should one be developed by the San Francisco Bay Regional Water Quality Control Board in the future. This should be addressed in the DSEIR and appropriate mitigation measures should be developed. 5

5. Chapter III, D. Hydrology and Water Quality, Page 101. The DSEIR incorrectly states ". . . that cruise ships do not typically discharge ballast water . . ." According to CSLC records, between January 1, 2000, and September 30, 2001, passenger vessels made nearly 700 vessel calls at California ports. Based on ballast water reporting forms submitted to the CSLC, as part of California's Ballast Water Management Program, on average nearly 4 ballast water tanks were discharged per vessel call, totaling over 400,000 metric tons of ballast water. Though this is a relatively small amount, compared to the millions of metric tons discharged by all vessels during the same period, recent research has indicated that the quality of ballast water discharged may be as important as the amount of ballast water discharged with regards to potential risk of the introduction of exotic species to California waters. 6

Chapter III, D. Hydrology and Water Quality, Page 109, second paragraph. Due to the nature of their routes, most cruise vessels are not currently complying with California's mandatory ballast water management requirements. Though a small number of vessel owners are evaluating alternative ship-board ballast water treatment systems, these systems have yet to be fully evaluated and formal approval by CSLC has not be granted. Therefore, any increase in passenger vessel traffic will likely result in impacts to water quality and biological resources within the San Francisco Bay. This should be evaluated in the DSEIR. The DSEIR should also provide information on the expected routing of vessels using the terminal and their ballast water management practices. Additionally, the document should develop a list of organisms that may be entrained in ballast water, based on potential source waters, and the potential risk of invasions by those organisms into the San Francisco Bay. Finally, the Project Applicants should evaluate and include in the DSEIR, as an alternative, the feasibility of shore-based ballast water treatment for vessels using this facility. 6 Cont.

6. Chapter III, D. Hydrology and Water Quality, Page 113. The cumulative impacts issue has not adequately been addressed in the DSEIR. The document states that periodic overflows already occur and that additional projects, such as the Mission Bay project, will likely over tax the current system. Additional storm water discharges resulting from this project along with other approved and future projects may not meet the current NPDES permit requirements. This should also be more thoroughly evaluated in the document. 7

   The capacity of the treatment facility is exceeded during wet weather, requiring overflow of only partially treated water. This project should look for alternative ways to deal with the storm water, such as wetland areas and other surfaces that can maximize infiltration, so that there is not an increase in the amount of storm water to the system.

7. Chapter IV, Mitigation and Improvement Measures, Page 172. The DSEIR discusses a program "designed to prevent cruise ships at the proposed cruise terminal from releasing incidental or intentional discharges to San Francisco Bay." As written, this mitigation measure does not appear to "prevent" discharges, but rather is simply a reporting program. A more detailed plan should be included in the DSEIR that clearly details how the plan will prevent discharges. As an additional alternative, the Project Applicant should evaluate the feasibility of shore-based and or ship-based treatment systems as feasible alternatives to address ballast discharges to the San Francisco Bay Estuary. 8

Thank you for your consideration of these comments. If you have any questions, please contact Maurya Falkner of the Marine Facilities Division at (562) 499-6312.

Sincerely,

Dwight E. Sanders, Chief
Division of Environmental Planning
And Management

cc: Gary Gregory
Kevin Mercier
Stephen L. Jenkins
Maurya Falkner

## LETTER D – DWIGHT E. SANDERS, CALIFORNIA STATE LANDS COMMISSION

D-1) The jurisdiction of the State Lands Commission (SLC) is described on pages 40-41 of the DSEIR. The Ballast Water Management program is described on pages 100-101 of the DSEIR.

The commenter is correct in pointing out that AB 703 was signed into law on October 8, 1999, that it became effective January 1, 2000 (Public Resources Code Sections 71200-71271), and that it establishes a statewide mandatory ballast water management and control program under the jurisdiction of the California State Lands Commission (Public Resources Code Sections 71206 - 71207). The law creates a new state program for regulating discharges of ballast water from vessels in order to limit the introduction of non-indigenous species, providing different options for ballast water management practices which are targeted to minimizing the discharge of ballast water containing non-indigenous species while not jeopardizing vessel safety. Unless otherwise required by federal law, the bill prohibits any State agency or commission from imposing requirements that differ from those set forth in the bill prior to January 1, 2004.

The bill also requires the State Water Resources Control Board, on or before December 1, 2002, to evaluate alternatives for treating and managing ballast water, and to recommend best available technologies, taking into consideration the greatest reduction in the release of non-indigenous species that is economically feasible, the relative effectiveness of the technologies, and the cost of implementing the technologies. Finally, the bill calls for certain research into non-indigenous species populations to be undertaken, and for the State Lands Commission, on or before September 1, 2002 to submit to the State Legislature a report relating to ballast water which is to include reporting information, monitoring and inspection information, an evaluation of the effectiveness of measures taken to reduce or eliminate the discharge of non-indigenous species, and the results of research conducted. Please refer to the response to Comment D-6 for further discussion of AB 703.

In addition to State efforts, the U.S. government began to specifically address the ballast water issue with the passage of the Non-Indigenous Aquatic Nuisance Prevention Act of 1990, which was expanded and superseded by the National Invasive Species Act (NISA) of 1996. NISA established a national ballast water management program targeted at all U.S. coastal regions and expanded invasive species management programs within the Department of the Interior and National Oceanic and Atmospheric Administration (NOAA). NISA authorized the U.S. Coast Guard (USCG) to establish regulations (subsequently issued May, 1999) and guidelines to control non-native aquatic species in ballast water. In addition to NISA, the U.S. Environmental Protection Act (EPA) has acknowledged the possibility of regulating non-native aquatic species per the Clean Water Act Section 303(d), either through NPDES permitting or through the development of a total maximum daily load (TMDL).

D-2) Six federal bills addressing the issue of port security for passengers and cargo have been filed in Congress prior to the end of January 2002, including the *Port and Maritime Security Act of 2001*, which passed the Senate in December 2001. This bill requires all ports to have a comprehensive security plan and would increase federal money for port security initiatives and equipment. The

bill provides $390 million in grants for port security infrastructure improvements over the next five years and makes available $313 million for the purchase of screening and detection equipment for use by the U.S. Customs Services at seaports, as well as additional customs inspectors and agents. The bill also calls for $3.3 billion in loan guarantees for local port authorities to finance security improvements.

The construction of all new structures, particularly those that are used by large numbers of people, would be potential targets of terrorism. Further, it would not be possible to accurately determine the risk associated with development of any single project. Issues dealing with security at the cruise terminal and on the cruise vessels would be addressed as part of the approval process required by the U.S. Department of Agriculture, Immigration and Naturalization Service, and the U.S. Customs Department for the terminal design and security services (as indicated on page 27 of the DSEIR), and by measures that the U.S. government may adopt to address potential acts of terrorism. It should also be noted that, while valid, concerns regarding terrorism are not physical environmental impacts of the project and are therefore not required by CEQA to be addressed in an EIR.

With regard to the project's potential impacts on public services, the Public Services and Utilities discussion on page 168 of the DSEIR states that: "The Waterfront Plan EIR includes a Public Services and Utilities impact section (Section V.K, pp. 600-611) that analyzes the expected effects resulting from the increased in demand for public services and utilities, such as schools, fire and police, and water. The Waterfront Plan concluded that services are generally available to support increases in development and activity associated with all alternatives and therefore no significant environmental effects would occur. . . .As such, neither the Cruise Terminal or Brannan Street Wharf project would have the potential to result in significant impacts to public services and utilities." Coast Guard services would similarly be available and not be substantially affected by the project. As such, no additional analysis is required.

D-3) The DSEIR addresses the potential for non-indigenous aquatic species to degrade San Francisco Bay water quality on page 109, where the following is stated:

> As of January 2000, ballast water from all vessels in California is regulated under the Ballast Water Management for Control of Non-indigenous Species Act, as described above. Cruise ships and other vessels would be required to comply with the specified management, reporting and fee procedures specified in this program. However, cruise ships do not typically take on or discharge large quantities of ballast water due to the relatively light load that passengers and stores represent on these vessels. Nevertheless, compliance with these regulations would minimize the potential for introducing non-indigenous aquatic species to San Francisco Bay as well as protect Bay waters from other pollutants and contaminants present in ballast water.

The commenter is nonetheless correct that there is a potential for adverse impacts on native aquatic species from any introductions of non-indigenous species. Past marine aquatic species invasions indicate that introduced species can out-compete and displace native species, adversely affecting biological diversity, diminishing habitat value to other native species (including special status species) and also causing direct economic harm. Some of the better known West Coast invasions

include the Japanese Mahogany Clam, which was believed to be a ballast water introduction in the Northwest in 1991, the European Shore Crab, released in 1990 along with imported bait worms, and the Chinese Mitten Crab, released intentionally as part of an aquaculture operation in 1992 (*Introduced Species in U.S. Coastal Waters*, Pew Oceans Commission, 2001).

Ballast water has been shown to contain a wide array of living marine organisms, representing virtually all of the major groups and most of their life stages, including both bottom-dwelling organisms (e.g. clams, snails, sea urchins) and water-column dwelling species (diatoms, jellyfish, copepods, fish). However, ballast is not the only means by which ships carry marine life from foreign ports to the Bay. Fouling organisms such as barnacles, mussels, and seaweeds attach to ship hulls, rudders, propellers, and seawater piping systems. (Please refer to the response to Comment L-4 for further discussion of anti-fouling techniques.) Organisms can be transported by any of these methods as well as via ballast water.

As discussed in greater depth in the response to Comment D-6, the potential for adverse impacts associated with non-indigenous aquatic species in San Francisco Bay as a result of cruise ships is believed to be relatively low. However, there are currently no accepted quantitative methods for evaluating the probability of an invasive species impact as a result of ballast water discharge. There is also no way of knowing what the actual risk to the Bay ecosystem and native species as a result of any single non-native species introduction would be, let alone the risk posed by such a discharge associated with the proposed project. Therefore, Mitigation Measure D.2 has been added to directly limit ballast water exchanges in the Bay (see Section E, Staff-Initiated Text Changes). The new mitigation measure commits the project sponsor to a program comprising specific actions designed to eliminate or substantially reduce ballast water discharges containing non-indigenous species to the Bay by cruise ships. With this mitigation and in recognition that the risk of potential non-indigenous species introductions is probably low due to the relatively small volume of ballast discharge associated with cruise ships and the relative infrequency of their visits to the Bay, the potential effects of non-indigenous species introduced from cruise ship ballast water exchanges on plant and marine life would be less than significant.

D-4) Based on data provided by the United States Coast Guard Vessel Traffic Service in San Francisco, in 2001 there were a total of 70,738 intra-Bay vessel trips that transited through central San Francisco Bay (this number does not include the additional 8,628 vessel trips that were to or from destinations outside of the Bay). The number of cruise vessels estimated to visit the Port of San Francisco is 69 in 2004 and 107 by 2020. Even assuming that all of these vessel calls would represent new trips within the Bay, these trips would represent less than one-fifth of one percent (.2 percent) of the total vessel trips in the Bay. As such, the additional vessel trips associated with the Cruise Terminal project would be considered negligible and therefore have a less than significant impact.

D-5) See the responses to Comments D-1, D-3, and D-6. Additionally, the proposed project would be subject to all regulations and laws that are in place at the time the project applicants seek each of the required approvals necessary to construct and operate the project, including permits, if any, from the Regional Water Quality Control Board.

D-6) To clarify the statement on page 101 of the DSEIR regarding the degree to which cruise ships discharge ballast water, the DSEIR is revised to state that cruise ships discharge a relatively small amount of ballast water compared to the total amount discharged by other large vessels such as tankers and cargo ships (please see Section E, Staff-Initiated Text Changes, for appropriate revision).

The DSEIR (pages 109-110) analyzes the potential effects of the discharge of ballast water and concludes that a significant impact would occur. On the basis of the data made available by the Commission in this comment, cruise ships appear to average about 570 tons of ballast discharge per vessel call. Even assuming all of this discharge took place in the Bay, the amount attributable to cruise ships (about 23,000 tons in 2000) represents less than 2% of the total volume of ballast discharge from all ships calling at ports in the Bay (SLC Ballast Water Technical Advisory Group, March 20, 2002 minutes). However, as noted by the commenter, the quality of the discharge may be as important as the quantity in terms of risk of exotic species introduction, although there is no accepted quantitative method for determining what the risk and impact of a given water ballast discharge may be. *CEQA Guidelines* Section 15145 discourages speculation in evaluating impact significance.

The following describes the current status of ballast water regulation, enforcement, and research.

**Ballast Water Overview**

Ships generally require the uptake and discharge of ballast water to compensate for changes in overall vessel weight due to changing load (e.g., for a cargo ship this would be when the ship was carrying a full cargo load vs. being empty). Compared to cargo ships and tankers, cruise ships require a low volume of ballast water due to their relatively light load and the minimal changes in weight (typically primarily associated with refueling) that they undergo before, after, or during cruises. Whatever ballasting is required for stability on cruise ships can frequently be offset by the potable water that each ship constantly makes and stores in its potable water tanks, or that it takes on at ports where potable water is available. This water can be moved among tanks to help regulate ship stability. A ship's gray water, also stored in several tanks (separate from potable water), can also be moved among tanks to help regulate ship stability. The moving of stored water among shipboard tanks can reduce or even eliminate the need for ocean water to be taken aboard as ballast on some cruise ships.

Cruise ships arriving in the Bay typically take on their ballast water at other western U.S. (e.g. southern California) or western Canadian ports (e.g. Vancouver) before entering the Bay, thereby reducing the probability that the discharge would be problematic in terms of introducing non-indigenous species that could have potentially significant effects on the Bay ecosystem. Of the base 40 cruise ship calls in the Bay that occurred in 2000, no more than seven cruise ships did not call on a U.S. or western Canadian port prior to visiting San Francisco and all of those seven arrived direct from western Mexico ports (Gerry Roybal, SF Port, April 2002, pers. comm). By comparison, cargo ships accounted for more than a thousand calls at the Bay ports in 2000 and typically come from more distant foreign ports in Asia and elsewhere. State Lands Commission data gathered in 2000 and through the first three quarters of 2001, indicate that all reporting ships entering the Bay averaged 1,850 metric tons of ballast water discharge per vessel call, while cruise

ships alone averaged 570 metric tons of ballast water discharged per vessel call (although this does not mean that all of the discharge took place in San Francisco Bay). Also, unlike the cargo ships and tankers, none of the cruise ships enter the Bay directly from Asian waters, which have been a source in the past of a number of problematic aquatic non-indigenous species introductions on the West Coast.

By 2020, cruise ship calls in the Bay are expected to reach about 107 annually, an increase of about 67 calls over 2000. This increase would follow a similar pattern to that presently occurring except that a greater percentage of the ships would be expected to arrive in the Bay directly from Mexico as they return from their San Francisco originating cruise (Roybal, 2002). Cruise ship calls in the Bay currently represent about 10% of statewide cruise ship traffic, a proportion that is likely to remain relatively constant. Given that cruise vessels represent less than one-fifth of one percent of total ship traffic in the Bay (as noted in the response to Comment D-4), that the volume of ballast water discharges per ship is much lower for cruise ships than other large vessels, and that the source waters for cruise ships is restricted to the North American Pacific Coast, the potential risk of non-indigenous species reaching the Bay and resulting in significant adverse ecological effects as a result of cruise ship ballast discharges would be relatively low, particularly in comparison to cargo ships and tankers.

**Ballast Water Regulation and Management**

The State law (AB 703) that establishes a statewide mandatory ballast water management and control program, specifies four distinct methods for managing ballast water. Each of these methods and their applicability to the proposed project is provided below.

1. Mid-Ocean Ballast Exchange: Exchanging ballast water outside what is called the Exclusive Economic Zone (EEZ), which extends out 200 miles from any shore, and in waters at least 6,560 feet deep before entering waters of the State. (AB 703 does provide for, under extraordinary conditions, conducting a ballast water exchange within an area within the EEZ when agreed to by the State Lands Commission.)

This method is a readily available technique that can be implemented by vessels arriving in the Bay from distant points across the Pacific. It is currently the primary method being employed by cross-Pacific cargo ships arriving in San Francisco Bay ports and can substantially reduce the potential effects of aquatic nuisance species introductions. However, this method is not 100% effective in removing organisms from ballast water and can involve substantial safety risks to vessels during adverse weather (*Aquatic Nuisance Species in Ballast Water Discharges: Issues and Options (draft)*, EPA, 2001). This method is also not feasible for most cruise vessels traveling to the Bay, since those ships typically do not cruise outside the EEZ.

2. Ballast Retention: Retaining the ballast water on board the vessel for the entire duration of the vessel's trip in State waters. This method offers a high level of protection against introductions of aquatic nuisance species. This method may be more feasible for cruise ships to apply than would the mid-ocean exchange approach due to their relatively low ballast volume and adjustment requirements (compared to similarly sized cargo vessels). At least one cruise line, Holland

America, reports that they have recently been able to avoid any discharge of ballast water to California waters by operating with a less than optimal ballast load (Richard Softye, Holland America 2002, pers. comm.).

3. Discharge to Facility: Discharging the ballast water to an approved reception facility. The California Association of Port Authorities (CAPA) completed the *Feasibility of Onshore Ballast Water Treatment at California Ports* in September, 2000, that concluded that it would be technically possible to retrofit the vessels and wharves, construct onshore storage tanks and onshore treatment systems, and discharge treated water back to local waters. However, the study noted that the costs for such an approach would be orders of magnitude higher than the mid-ocean ballast exchange method and may not be economically feasible. No reception facilities have been approved for this use by the State, and none has been proposed for this use.

4. Alternative Ballast Management: Employing an alternative environmentally sound method of ballast water management that has been approved by the State Lands Commission prior to the vessel's voyage and that is at least as effective as the mid-ocean exchange method. Development of alternative methods for managing ballast water has been an area of substantial research. However, the development of ballast water treatment technologies is at an early stage (CAPA, 2000). While both shipboard and onshore treatment systems are being explored, within North America pilot studies into the effectiveness of different treatment methods have focused on shipboard systems. For example, Princess Cruises, which operates in California waters, is currently testing a pilot shipboard treatment system that uses ultraviolet light as the disinfection agent.

In addition to requiring ballast water controls, AB 703 requires detailed record-keeping by subject vessels and authorizes the State Lands Commission, in coordination with the USCG, to take ballast water samples and to make other inquiries and inspections of vessels subject to the law. The Commission has been boarding approximately 25% of all commercial vessels coming into the Bay, focusing recently on those vessels that have not been reporting as legally required. In 2001, nearly 95% of all vessels entering California waters and subject to AB 703 were submitting reports to the SLC on their ballast water discharges (Ballast Water Technical Advisory Group, 2002). AB 703 is scheduled to "sunset" in 2004 unless reauthorized by the California Legislature; such reauthorization is considered likely, according to Maurya Falkner of the SLC (Falkner, April 2002, pers. comm.). The three state agencies charged with implementing the law are required to submit reports to the legislature by December, 2002 that will provide a comprehensive assessment of ballast management practices along with recommendations for future steps.

In addition to State efforts, the U.S. government began to specifically address the ballast water issue with the passage of the Non-Indigenous Aquatic Nuisance Prevention Act of 1990, which was expanded and superseded by the National Invasive Species Act (NISA) of 1996. NISA established a national ballast water management program targeted at all U.S. coastal regions and expanded invasive species management programs within the Department of the Interior and NOAA. NISA authorized the U.S. Coast Guard (USCG) to establish regulations (subsequently issued May, 1999) and guidelines to control non-native aquatic species in ballast water. Further, the USCG was given the authority to make the ballast water regulations mandatory (except for the

Great Lakes region, the program is currently voluntary in the U.S.) and enforceable, and to establish both civil and criminal penalties for noncompliance. The USCG is scheduled to submit a status report on the ballast water management program in late spring of 2002 and is likely to recommend that a mandatory program enforced with civil and criminal penalties be put in place (Ballast Water Technical Advisory Group, March, 2002). The voluntary program vessel compliance rate has been on the order of 25% nationwide, as reported by the Smithsonian Environmental Research Center, which manages the USCG's National Ballast Information Clearinghouse.

In addition to NISA, the U.S. Environmental Protection Act (EPA) has acknowledged the possibility of regulating non-native aquatic species per the Clean Water Act Section 303(d), either through NPDES permitting or through the development of a total maximum daily load (TMDL). However, EPA has not thus far issued any regulations or guidance that would require an NPDES permit for ballast water discharges. Furthermore, the EPA articulates a case for uniform regulations of ballast discharges throughout the coastal U.S. due to the difficulties in attempting to operate ships that would berth at multiple ports, with multiple sets of applicable regulations (EPA, 2001). EPA regulations notwithstanding, the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) has listed San Francisco Bay as a Section 303(d) impaired water body for non-native aquatic species, the first step in the possible development of a TMDL for non-indigenous species. Should AB 703 not be reauthorized in 2004, the SFBRWQCB may be able to move forward in implementing a TMDL program targeting non-indigenous species, since the bill's restriction on other State agencies adopting regulations pertaining to ballast water would no longer be applicable.

**Ballast Water Treatment**

With regard to ballast water treatment, there is currently no accepted treatment method (EPA, 2001). The EPA has stated that "a technical challenge facing any effort to set policy regarding ballast water is the fact that there are currently no ballast water management methods that are both universally applicable and proven effective at preventing aquatic nuisance species introductions" (EPA, 2001). The SFBRWQCB has stated that, at present, "control of ballast water discharges is an emerging category of technology," but that "it is a reasonable prediction that a national program of technology development, implementation and monitoring will make considerable progress toward attaining the goal" of preventing non-native aquatic species impacts (SFBRWQCB, 2000). Several State and federal agencies are actively involved in this research and development effort. State agencies, at least in part, have a 2004 deadline to evaluate research into effective management strategies and treatment technologies. A recent and on-going test program of on-board ballast water treatment is being conducted by Princess Lines under SLC auspices. While this may be found to be feasible, no evaluation of the effectiveness has been completed.

As noted above, State Lands Commission records indicate that cruise ships entering San Francisco Bay averaged about 570 metric tons of ballast discharge per vessel call. Assuming all of this discharge took place in the Bay, the total amount of discharge (about 23,000 tons in 2000) attributable to cruise ships represented less than 2% of the total volume of ballast discharge from all ships calling at Bay ports (Ballast Water Technical Advisory Group, 2002).

The CAPA study referenced above estimated that $16.6 million in total capital costs would be required to provide onshore treatment at the Port of San Francisco for all Port ship traffic (including cruise ships), assuming that suitable right-of-way for a shoreline pipeline and a site for a treatment facility could be obtained. Annual operating costs for the 200,000 gallons per day capacity treatment facility were estimated at $150,000. In part based on the findings in the CAPA study, the Port has concluded that on-shore treatment is not cost efficient and is financially infeasible given the intermittent demand for such services, even if the number of cruise ship calls increases in the future.

The EPA has recently stated that shore-based treatment, for a number of reasons, "presents some significant technological and logistical challenges" (EPA, 2001). The ballast water treatment facility constructed for tanker usage in Valdez, Alaska (as a means to minimize incidental oily water discharges), while admittedly having a huge capacity, required $1.4 billion dollars and 1,000 acres of land to construct (CAPA, 2000). Having on-board systems would potentially allow ships to treat all of their ballast water no matter where it is discharged, be it in San Francisco Bay, other ports-of-call, or in offshore/nearshore waters.

**Ballast Water Research**

Research is being conducted at both the federal and State levels to further characterize the threat of non-native aquatic species and to develop ballast water management programs, including potential treatment technologies, that would effectively limit or end the threat. The agencies involved agree on the need for continued research, due to the fact that at the present time there are no programs or technologies that are considered suitably effective (EPA, 2001; SFBRWQCB, 2000). The agencies do express confidence that solutions will be developed.

AB 703 directs the State Water Resources Control Board to, "in consultation with the Department of Fish and Game (DFG), the State Lands Commission, the USCG, the regulated industry and other stakeholders evaluate alternatives for treating and otherwise managing ballast water for the purpose of eliminating the discharge of non-indigenous species into the waters of the State." The law further directs the agencies, with DFG as the lead, to conduct a baseline study of California's coastal waters and to "conduct any research determined necessary" to carry out the provisions of the law. "This research may relate to the transport and release of non-indigenous species by vessels, the methods of sampling and monitoring . . . the rate or risk of release or establishment of non indigenous species . . . and the means by which to reduce or eliminate the discharge or establishment of non indigenous species."

Federal agencies, under authorization provided by both NISA and various research programs, are also conducting and/or funding research to develop and evaluate procedures and technologies to address non-native aquatic species in ballast water. NISA specifically names the USCG as the federal agency responsible for determining the effectiveness of ballast water treatment technologies.

The commenter is correct in noting that cruise ships are currently in non-compliance with AB703 since they do not typically travel outside the 200 mile EEZ and therefore cannot conduct mid-

ocean ballast exchange. As described above, several cruise lines are taking steps to improve their ballast water management practices so that they can fully comply with the bill, including testing shipboard treatment systems (Princess Cruises) and eliminating the need for ballast discharges at all in California waters (Holland America). The commenter is correct in noting that the State Lands Commission has not granted formal approval for any particular treatment system at the present time.

Page 110 of the DEIR states that: "Thus, due to uncertainty in the effectiveness of existing regulations and the potential for discharges to occur (although such occurrences would likely be very infrequent), the increase in shipping activities associated with the proposed project could potentially result in degradation of water quality. This would be considered a significant impact. Implementation by the project sponsor of Mitigation Measure D.1 (see Chapter IV), which would create and maintain a program designed to prevent cruise ships from releasing discharges to San Francisco Bay, would reduce these impacts to a less than significant level."

As noted previously cruise ships require substantially less ballast water and their ballast water exchanges are less frequent than cargo ships or tankers. Further, most cruise ships (at least 33 out of the 40 ships calling at the Port of San Francisco in 2000) typically exchange their water at other U.S. (e.g. southern California) or Canadian (where ballast discharge regulations are at least as stringent as those in the U.S.) ports before entering San Francisco Bay. Currently, about one-third of all cruise ship trips in the Bay originate locally. As the cruise ship business expands in the future, the percentage of trips originating in the Bay is expected to reach two-thirds (Roybal, 2002) This is because the largest portion of cruise ship trip growth will be 7 to 10 day cruises heading south from San Francisco to southern California and western Mexican ports.

With respect to the comment on a specific listing of organisms that may be entrained in cruise ship ballast water discharged in the Bay, the source waters for cruise ships are restricted to the North American Pacific Coast. There are no available studies of exotic species introductions within these waters, in part because the origin and history of many species are often uncertain (Pew Oceans Commission, 2001). The recent studies that have been conducted have examined introductions from more distant foreign ports, particularly from ports in Asia and Europe to the Pacific West Coast (SFBRWQCB, 2000).

With respect to the comment on the feasibility of shore-based ballast water treatment for vessels using the proposed project, this issue was examined in a recent study commissioned by the California Association of Port Authorities (CAPA, 2000). The study concluded that onshore treatment would be feasible if all vessels were retrofitted and if vessel safety issues could be addressed. The study further noted that constructing the necessary shoreside pipelines and storage tanks may not be possible due to right-of-way and land availability considerations. Assuming these issues could be addressed, the total capital costs for onshore treatment at the Port of San Francisco was estimated at $16.6 million, with annual operation and maintenance costs of $150,000.

**Additional Mitigation for Cruise Ship Ballast Water Impacts**

The Port will continue to be subject to all State and federal ballast water regulations. The federal regulations are administered by the USCG, while the State regulations under AB 703 are enforced by both the USCG and the State Lands Commission. The State Water Resources Control Board and its regional boards have additional enforcement authority. In addition, the Port would initiate and maintain a program to prevent cruise ships at the proposed cruise terminal from releasing unauthorized ballast water discharges. The language specifying the requirement and nature of this program is added to the DSEIR as Mitigation Measure D.2 (see Section E, Staff-Initiated Text Changes). For analytical purposes, the Planning Department presumes that laws that are in place are adhered to and are part of the proposed project, therefore no additional mitigation is provided to address issues covered by an existing law or regulation. If the lack of enforcement of a law would potentially result in an identified adverse environmental effect not adequately being mitigated, then better enforcement of the law is required and not the creation of a new separate mitigation measure that supersedes the law.

Just prior to publication of this document, the Planning Department learned that Bluewater Network and other environmental organizations filed suit in Los Angeles Superior Court against four cruise ship lines, alleging the illegal discharge of ballast water in California waters in violation of State law. While the nature of the information underlying this lawsuit is not known at this time, the allegations, if true, raise concerns about compliance with applicable laws relating to ballast water discharge, including discharge into San Francisco Bay.

Through the process established in Mitigation Measure D.2, the project sponsor would work with the delineated groups to implement a reporting mechanism that would include monitoring the compliance of cruise ships in the Bay with applicable law. If the need for greater compliance is established, either as a result of the identified lawsuit or through some other means, the project sponsor would work with agencies and organizations identified in Mitigation Measure D.2 to ensure greater compliance and, where necessary, greater enforcement.

It should be noted that regulations pertaining to ballast water management have not been finalized by the various agencies, and are still in development in most cases. While it is possible that by the time construction of the cruise terminal is completed these regulations would be in place, there is no certainty of that at this time. The goal of such regulations would be to eliminate the threat posed by non-native aquatic species to San Francisco Bay and other California harbors.

To account for this uncertainty in future regulations, contract language between both the Port and the cruise terminal lessee and the terminal lessee and cruise ship operators would specify that all parties are required to comply with these and other environmental regulations applicable to their operations. Additionally, the Port anticipates that language at least as protective as the Port of Oakland's previously imposed Tariff No. 2a would be added to these agreements in the event that State or federal regulations that require more protective measures are not in place in the future. The Port of Oakland's tariff language states as its general requirements that no vessel using Port terminal facilities shall discharge water ballast from the vessel into San Francisco Bay or the Farallones National Marine Sanctuary offshore of San Francisco Bay, including open waters

within the Port Area of the City of Oakland, unless the vessel immediately before arrival in the San Francisco Bay has carried out an ocean ballast water exchange to limit the possibility of transferring non-indigenous species into San Francisco Bay. The Port of Oakland has suspended this part of its tariff as long as a more protective State or federal regulation is in place.

The Port of San Francisco would consult with USCG and State Lands Commission as to the appropriate locations for cruise ships to conduct their ballast water exchanges in developing the specific language for its tariff. The program would be funded and enforced by the Port, with penalties imposed for non-compliance by any cruise ship operators.

D-7) To clarify, the DSEIR states on page 96 that "All discharges from the combined sewer system to the Bay, including those from the Southeast Plant and the CSO structures, are operated in compliance with permits from the California Regional Water Quality Control Board (RWQCB)." Based on the estimated contribution to the CSO system, "0.7 million gallons per year of CSOs over the base case scenario" (about 0.08 percent of the existing conditions), and the conclusion that "the project's effect on the increase in CSO frequency in the Bayside system is negligible," there is no reason to believe that the project would jeopardize the City's compliance with RWQCB permits.

As such, no additional analysis is needed. The lack of a need for additional analysis is substantiated by *CEQA Guidelines* Section 15064(i)(5), which states: "The mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable." Further, according to *CEQA Guidelines* Section 15130, "Where a lead agency is examining a project with an incremental effect that is not "cumulatively considerable," a lead agency need not consider that effect significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulatively considerable." A discussion of cumulative water quality impacts is provided on page 113 of the DSEIR.

D-8) Mitigation Measure D.1 is revised to better address potential cruise ship releases of incidental or intentional non-ballast water discharges to San Francisco Bay (see Section E, Staff-Initiated Text Changes, for the text of the revised measure). The revised measure would require the project sponsor to initiate and maintain a program to prevent cruise ships at the proposed cruise terminal from releasing unauthorized non-ballast water discharges. For related information, including a discussion of the feasibility of shipboard and onshore ballast water treatment, see the responses to Comment D-6, above.

MORRISON & FOERSTER LLP

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WALNUT CREEK
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January 15, 2002

Writer's Direct Contact
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RECEIVED
JAN 16 2002
PLANNING DEPT

Paul Maltzer
Environmental Review Officer
Planning Department
30 Van Ness Avenue, 4th Floor
San Francisco, CA 94102

Re: 2000.1229E: San Francisco Cruise Terminal Mixed-Use Project
Draft SEIR: Comments of Emerald Fund, Inc.

Dear Mr. Maltzer:

Set forth below are the comments of Emerald Fund, Inc. on the above-referenced Draft SEIR. Emerald Fund, Inc. is the developer of the Bridgeview residential project at 400 Beale Street (between Harrison and Bryant Streets one-half block west of Seawall Lot 330) which is currently under construction. When completed in 2002, Bridgeview will contain 245 dwelling units in a tower rising 200 feet above the Harrison Street sidewalk and approximately 240 feet above the Beale Street sidewalk. 1

*Page 1, Site Location and Page 29, Project Vicinity:* The SEIR should include the Bridgeview and Baycrest residential projects in its list of nearby residential projects. A vicinity map showing the location of residential uses in the vicinity should be included.

*Page 30, Figure 17*: Label Bridgeview and Baycrest residential projects on Figure 17.

*Page 62, Effects on Views*: The Project's effect on views of the Bay and East Bay hills down Main Street, as shown on Figure 27, should be deemed a significant effect on the environment, since the Project as currently configured "substantially obstructs a publicly accessible scenic view." The same conclusion should be reached for the existing scenic views from prominent public viewing points west of Seawall Lot 330, such as the corner of Harrison and Beale Streets atop the Harrison Street overpass. 2

*Page 140, Last paragraph, third sentence should read*: The shadow cast by the residential tower located on the northwest corner of the seawall lot would extend beyond the span of the Bay Bridge to the Bridgeview Condominium complex located on Beale Street." (not the Portside Condominium complex). 3

*Page 191, New Alternative*: Emerald Fund has held discussions with the project sponsor 4

to develop a new alternative for Seawall Lot 330. That alternative, which the project sponsor has indicated it is willing to pursue, includes the following modifications to the current proposal:

1. All buildings (except the West Tower) along Bryant Street would be reduced to 50 feet in height.

2. The two fifth-floor units at the eastern end of the Bryant Street building would be removed to reduce that corner to 4 stories.

3. The Northeast Corner Tower would be reduced in height to 7 stories.

4. The Southeast Corner Tower would be increased in height to 12 stories.

5. The West Tower would be increased in height to 20 stories.

4 Cont.

This new alternative must be included in the SEIR because it is potentially feasible and would mitigate potentially significant scenic view and other visual impacts.

The new alternative would accommodate approximately the same number of units as the current proposal with some exceptions to the current bulk limits, unlike Alternative 5 which accommodates only 200 units and is thus probably infeasible. A large West Tower at the northwest corner of the site has the least impacts on views both from public view points, such as Main Street and Harrison Street, and from private residences in the area. This is because the tall West Tower would not block the Main Street view corridor and there are few units located between the West Tower and the Bay. Rather, the massive Bay Bridge anchorage, which already blocks these views, is located opposite Bryant and Beale Streets from the West Tower location. The discussion of this alternative should include a shadow analysis of the revised massing for the Seawall Lot.

Thank you for considering these comments on the Draft SEIR.

Yours truly,

Steven L. Vettel

cc: S. Osborn Erickson, Emerald Fund, Inc.

## LETTER E – STEVEN L. VETTEL, ATTORNEY FOR EMERALD FUND, INC.

E-1) Please see the response to Comment B-1.

E-2) Please see the response to Comment A-10.

E-3) Please see the response to Comment B-9.

E-4) Please see the response to Comment A-20. The DSEIR evaluated a proposed project with proposed changes to the Height and Bulk controls. While local concern or other planning considerations may be grounds for modification or denial of the proposed project, these are not environmental issues and the environmental evaluation has been properly conducted in the DSEIR. Further, as indicated in that response, in an effort to provide an alternative that both meets the requirements of CEQA and that would address the concerns raised by public commenters, a Reduced Building Height Alternative has been added to the text of the DSEIR in Section E, Staff-Initiated Text Changes. This alternative would reduce the heights of buildings proposed along Bryant Street and the northeast corner of the seawall lot, while increasing the height of the west tower of the seawall lot, thereby improving view corridors from both public and private vantage points.

F

RECEIVED
JAN 04 2002
PLANNING DEPT

1 January 2002

City and County of San Francisco Planning Department
1660 Mission Street, 5th Floor
San Francisco, CA 94103

Attention: Rick Cooper

Subject: Draft Supplemental Environmental Impact Report, San Francisco Cruise Terminal Mixed-Use Project and Brannan Street Wharf Project, dated November 17, 2001

We are residents of the Portside II condominiums, located at the corner of Main and Harrison Streets. We have read the draft supplemental environmental impact report (EIR) and have the following significant comments with regard to the cruise terminal project as presently proposed.

1. Visual quality. A) Under the San Francisco Planning Code (the Code), structures to be built on Pier 30-32 should be no greater than 40 feet in height. Those of us who purchased residences near the waterfront assumed that any future building on the waterfront would adhere to the Code. However, the current proposal calls for a terminal building ranging from 46 to 88 feet in height. B) Under the Code, structures across the street from the Cruise Terminal (the Seawall lot) should be no greater than 105 feet high with specific bulk restrictions. The proposed residential towers exceed 105 feet, rising to 187 feet. The proposed structures will significantly block water front views of residents already living in the neighborhood as well as visitors to the neighborhood. Public trust is an issue here. We residents depend on regulatory agencies to protect against land use that would be incompatible with the quality of life of the neighborhood as well as the city. 1

2. Architectural aspects/Visual character. A) Due to public pressure, an agreement has been made to preserve Red's Java House on the Embarcadero. As can be seen in Figure 25, the proposed design of the terminal does not acknowledge Red's in any way. In fact, the design appears to be a deliberate attempt to isolate Red's. B) The general view of the Terminal from Brannan Street (Figure 23) and from the Seawall lot (Figure 25) shows the terminal structure as closed and walled from the public on the street side. C) The view looking to the bay from Main Street at Harrison will be totally blocked by the bulk of low rise residences and a residential tower (Figure 27). D) There are three residential towers proposed on the Seawall lot (Figure 13) which are out of scale for buildings in the immediate vicinity. Two towers anchor the two corners on the Embarcadero thus blocking views to the water by current residents. In sum, these proposed structures as currently designed will not enhance the 2

ambience of the neighborhood and does not acknowledge the neighborhood's unique character and relationship to the waterfront. 2 Cont.

3. Transportation/Air Quality/Health. The EIR concludes that traffic impacts from this project will be significant. This conclusion is not a surprise to those of us who live in this neighborhood, since commute hour traffic is often at a standstill with no prospect for relief under current conditions. Parking is often non-existent now; the EIR predicts a shortfall of an additional 1,000 spaces! The EIR concludes that these future traffic impacts cannot be mitigated. The major consequence of this significantly increased traffic will be on air quality. The San Francisco bay area is currently in "non-attainment" for ozone and respirable particulates (PM-10) standards. The increase in automobile traffic and the addition of cruise ship traffic will substantially adversely impact the ability of San Francisco to ever attain these standards. Because of degradation in air quality, we can expect to see an increase in respiratory diseases, such as asthma, in neighborhood residents. 3

Conclusions

First, exceptions to the current Planning Code should not be allowed in the building of the terminal and the development of the Seawall lot. Preservation and access to water views have always enhanced the character of the City and the neighborhood. Second, major architectural design changes should be made to include rather than exclude the neighborhood by: making the exterior of the terminal building inviting from the Brannan Street and Seawall lots; decreasing the height of the terminal and residential towers and moving the towers to locations that would not obstruct the bay views of current residents; and modifying the design of street level residences of the Seawall lot to preserve the view of the bay/sky from Main Street. The projects should be downsized to the point where traffic impacts will be maximally mitigated. Finally, degradation of air quality as a result of increased traffic and influx of cruise ships will directly impact public health and should not be tolerated by a public agency. Perhaps the cruise terminal project should not go forward because of the predicted adverse health effects of diminished air quality. 4

Sincerely,

Joel B. Klein

Kimiko Klein

403 Main Street, Unit 312
San Francisco CA 94105

## LETTER F – JOEL B. AND KIMIKO KLEIN

F-1) Regarding the proposed project's exceedance of the existing height and bulk limits of the project site, please see the response to Comment A-6. With regard to the effects of the proposed project on visual quality, please see the responses to Comments A-8 through A-10.

F-2) Comment noted. As this comment pertains to the merits of the proposed project and not to its physical environmental impacts, no additional response is required. For additional information regarding visual quality issues, please see the responses to Comments A-5 and A-6.

F-3) Comment noted. As this comment pertains to the merits of the proposed project and not to its physical environmental impacts, no additional response is required. For additional information regarding air quality/transportation issues, please see the responses to Comments A-15.

F-4) Please see the responses to Comment F-1 and Comment A-20. As indicated in the response to Comment A-20, a Reduced Building Height Alternative has been added to the text of the DSEIR in Section E, Staff-Initiated Text Changes. This alternative directly addresses the commenter's suggestions and would reduce the heights of buildings proposed along Bryant Street and the northeast corner of the seawall lot, while increasing the height of the west tower of the seawall lot, thereby improving view corridors from both public and private vantage points.

G

REC'D
JAN 14 2002
S.F. PLANNING DEPT.

**Robert and Carolyn Finnell**
**301 Bryant Street, Unit #502**
**San Francisco, CA 94107**

The Planning Department
City and County of
San Francisco
1660 Mission Street, Suite 500
San Francisco, CA 94103-2414

January 11, 2002

Reference: 2000.1229E (COOPER: 558-5974)
SAN FRANCISCO CRUISE TERMINAL MIXED-USE PROJECT AND
BRANNAN STREET WHARF PROJECT

Dear Planning Department:

We have reviewed the Draft Supplemental Environmental Impact Report (SEIR) and have grave concern over the Project's proposed Height Variance Application component for the proposed condominium project. 1

Further to the SEIR's statement in Article III (Environmental Setting and Impacts), subparagraph B (Visual Quality) (*see* page 63 of the SEIR), we wish to note that that six (6) floors, consisting of twelve (12) units of **301 Bryant Street Condominiums** views will be adversely impacted (and associated property value declines), in addition to the Bayside Village and Portside Condominiums. 2

We strongly encourage the Planning Department to not grant the proposed height variances from the approved 105' height limit for two of the three residential towers, particularly the West Tower's proposed 187' height limit.

The continued "race to the top sky" should stop with a return to the original purpose and intent of approved height limit. To that end, *only* the alternative design plan offering compliant and approved height limits should be approved. 3

Thank you for your serious consideration of this request.

Sincerely,

Robert D. Finnell

Robert D. Finnell

## LETTER G – ROBERT D. FINNELL

G-1) Comment noted. Also, please see the response to Comment A-6.

G-2) The statement on page 63 of the DSEIR to which the commenter refers is: "The proposed buildings would primarily affect some views from private residences in the Bayside Village and Portside Condominium complexes." The text refers to those two complexes as being "primarily" affected because they are located immediately across the street from and have unimpeded views of the seawall lot. The commenter is correct in noting that views from 301 Bryant Street would also be affected by the proposed development on the seawall lot, as would other residential buildings, some of which are located closer to the site than 301 Bryant Street.

G-3) Comment noted. Also, please see the responses to Comments A-6 and F-4.

GOLDEN GATE BRIDGE
HIGHWAY & TRANSPORTATION DISTRICT

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JAN 1 2 2
PLANNING DEPT

January 9, 2002

Mr. Paul Maltzer
Environmental Review Officer
San Francisco Planning Department
1660 Mission Street, Suite 500
San Francisco, CA 94103-2414

Dear Mr. Maltzer:

Re: **San Francisco Cruise Terminal Mixed-Use Project and Brannan Street Wharf Project Draft Supplemental Impact Report**

Golden Gate Bridge, Highway and Transportation District (District) has reviewed the above-referenced document and provides the following comments regarding transit operations as they pertain to impacts on Golden Gate Transit (GGT) ferry and bus services in the project vicinity.

1. Be aware that the map on page 69 detailing transit routes and stop locations omits GGT Routes 67 and 69 ferry shuttles. Route 67 should be shown as serving Mission Street between Main Street and The Embarcadero and then turning left on Embarcadero and stopping in front of the Ferry Building. Service from the Ferry Building on Route 67 is merely reverse of the service to the Ferry Building. Route 69 should be shown beginning on Washington Street westbound just west of Sansome Street, then left on Montgomery, left on Bush Street, left on Sansome Street, right on Clay Street, left on Drumm Street, right on Washington Street, right on The Embarcadero, left on Mission, and left on The Embarcadero to stop in front of the Ferry Building. Service from the Ferry Building starts on The Embarcadero in front of the Ferry Building, then left on Washington Street, and duplicates the loop just described for service to the Ferry Building. 1

   All northbound GGT Civic Center routes (which includes our 24-hour basic service as well as some commute routes that operate during the morning and evening commute periods) begins service operating on Folsom Street at Main Street eastbound, then proceeds left onto The Embarcadero and left on Mission Street. This routing covers two of the intersections studied for traffic impacts, The Embarcadero/Folsom and The Embarcadero/Howard; and these routes will be affected by the degradation anticipated during weekday morning and evening peaks under the Cumulative 2020 scenario. 2

   In addition, all deadhead trips between San Francisco, Marin, and Sonoma counties, most of which operate during the morning or evening peak, pass through the intersection of The Embarcadero and Howard Street. There are approximately one hundred of these trips altogether on weekdays, and approximately ten on Saturdays, Sundays, and holidays. 3

2. DSEIR states (page 69), "The Transbay Transit Terminal...has...Golden Gate Transit service to the North Bay." GGT service currently serves Fremont Street, on the east side of the Transbay Transit Terminal, during the morning and evening commute periods, and Mission Street, in front of and across from the Transbay Transit Terminal, 24 hours a day on basic service. No GGT service currently serves the Terminal itself. 4

3. DSEIR states (page 85), "In the North Bay, adequate capacity would be provided on the Golden Gate buses and ferries to accommodate increases in ridership. Golden Gate buses and ferries are expected to operate at 82 and 42 percent capacity respectively." The source of this determination should be disclosed, and the number of new transit trips anticipated to be generated on GGT buses and ferries should be provided. 5

Thank you for the opportunity to comment on this Draft Supplemental Environmental Impact Report. Please call me at (415) 257-4475 or Assistant Planner Barbara Vincent at (415) 257-4465 if you have questions.

Very truly yours,

Alan R. Zahradnik
Director of Planning

ARZ:kg
c: Maurice P. Palumbo
Barbara Vincent
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## LETTER H – ALAN R. ZAHRADNIK, GOLDEN GATE BRIDGE HIGHWAY AND TRANSPORTATION DISTRICT

H-1) The commenter is correct in noting that Golden Gate Transit Routes 67 and 69 were omitted from Figure 29, Existing Transit Routes and Stop Locations, provided on page 69 of the DSEIR. This error occurred as a result of the use of an outdated map as the source of information for this graphic, and does not represent an incorrect assessment of existing or projected Golden Gate Transit service and capacity. As such, omission of these two lines from this graphic did not substantively alter the transportation analysis provided in the DSEIR. As indicated in Section E, Staff-Initiated Text Changes, Figure 29 of the DSEIR is revised to correct these omissions.

H-2) The commenter is correct in noting that the Golden Gate Transit routes indicated in the DSEIR are incorrect. This error did not substantively alter the transportation analysis provided in the DSEIR.

H-3) The collection of existing traffic data included the counting of all vehicles passing through each of the study intersections. As such, all Golden Gate Transit operations through the study intersections, including deadhead trips, were counted and therefore considered in the DSEIR's traffic analysis.

H-4) To clarify that Golden Gate Transit service is available at the east side of the Transbay Terminal but does not actually serve the terminal itself, please see Section E, Staff-Initiated Text Changes, for the appropriate revision to the DSEIR.

H-5) The number of new transit trips anticipated on Golden Gate Transit service to the North Bay is provided on the calculation sheets included in Appendix C of the *San Francisco Cruise Terminal Mixed-Use Project Transportation Impact Study*, prepared by The Duffey Company. Detailed existing and projected transit data are provided in Appendix E of the same report. This report is available for review by appointment at the San Francisco Planning Department, 1660 Mission Street, as part of Project File No. 2000.1229E. As noted in Appendix E, existing Golden Gate Transit ridership and capacity data were based on July 1999-May 2000 data and Year 2020 ridership was calculated using a 1.4% growth rate and the assumption of no capacity increases. This information was provided by the Golden Gate Bridge Highway and Transportation District (Maurice Palumbo, January 2001).

BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

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Scott Haggerty
(Vice-Chairperson)
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SONOMA COUNTY
Tim Smith
Pamela Torliatt

Ellen Garvey
EXECUTIVE OFFICER/
AIR POLLUTION
CONTROL OFFICER

I

January 16, 2002

Paul Maltzer, Environmental Review Officer
San Francisco Planning Department
30 Van Ness Ave., 4th Floor
San Francisco, CA 94102

RECEIVED
JAN 2 2 2002
PLANNING DEPT

Subject: San Francisco Cruise Terminal Mixed Use Project and Brannan Street Wharf Project Draft Supplemental EIR

Dear Mr. Maltzer:

Bay Area Air Quality Management District (District) staff have reviewed the Draft Supplemental Environmental Impact Report (DSEIR) for the San Francisco Cruise Terminal Mixed Use Project and Brannan Street Wharf Project and have the following comments.

The DSEIR indicates that project operations will result in significant air quality impacts, with emissions of reactive organic gases (ROG), nitrogen oxides (NOx) and fine particulate matter ($PM_{10}$) well above the District's significance thresholds. Projected emissions of NOx are especially high, estimated to be 1,282 lbs./day or 82 tons/year in 2020. Most of the NOx emissions are predicted to result from ship operations, mainly while cruising in and out of the Bay. NOx contributes to the formation of ozone and fine particulate matter, pollutants for which the region exceeds health-based air quality standards. The ships will also emit diesel particulate exhaust, which has been identified by the California Air Resources Board as a toxic air contaminant. Therefore, we strongly urge the City to identify additional mitigation measures to reduce air quality impacts, especially related to ship emissions. 1

Page 129 of the DSEIR states, "...the project sponsor would work with other maritime agencies to encourage cruise lines to consider the use of alternative fuels, more efficient engines, and other emerging technologies to minimize air emissions from cruise ships," but the mitigation measures listed in chapter IV do not include *any* mitigation measures for ship emissions. Absent any requirements or incentives from the City, it is unlikely the project sponsor would expend much effort to reduce air quality impacts. The City should identify specific measures related to ship fuels, engines and other emerging technologies and require their implementation as conditions of approval. Feasible measures to reduce ship emissions include: selective catalytic reduction, water injection, emulsified fuels, and installation of particulate traps in combination with low sulfur fuels. Also, some new cruise ships include a gas turbine in addition to diesel engines, to allow lower polluting operations when maneuvering in environmentally sensitive areas such as the San Francisco Bay. The City should require cruise ship operators to implement lower polluting technologies on all ships using the proposed terminal. Further, the City should provide economic incentives, such as reduced fees, to encourage lower polluting ships. Some Swedish ports provide economic incentives to promote cleaner ships.

It is likely that a significant number of cruise ships will be traveling to and from Alaska. In order to comply with Alaskan standards for opacity (visible emissions), many cruise ships operating in Alaskan waters are currently employing some of the pollution reduction strategies listed above. We believe this greatly enhances the feasibility of these mitigation measures in San Francisco. While the cruise industry poses certain challenges for implementation of mitigation measures – several operators operating various ships traveling to various destinations – the fact that multiple ports do or may require air quality mitigation measures makes more widespread implementation much more practicable and reasonable. 1 Cont.

Hotelling ship emissions can and should be reduced by requiring cruise ships to connect to a shore-side power source and shut down diesel generators while docked. 2

Finally, the City should consider imposing mitigation fees on cruise ship operators and terminal tenants in order to fund pollution reduction efforts. For example, to mitigate air pollutant emissions associated with the Berths 55 – 58 Project, the Port of Oakland in 1999 committed $9 million to replace or retrofit old, high polluting diesel engines in cargo equipment and trucks with newer, cleaner diesel engines. Retrofit of tugs and dredges would be particularly appropriate for the Cruise Terminal project. 3

Emissions from motor vehicles will also be considerable. The DSEIR lists several mitigation measures, most of which are oriented towards the office component of the project. According to Table 2, however, only about 16.5% of total (person) trips will be generated by office uses. Greater effort should be made to reduce vehicle trips from the project, especially the non-office components such as retail, entertainment and restaurants. Additional measures that should be considered include: assess the Transit Impact Development Fee – or equivalent fee – for all commercial uses, not just office; clean fuel shuttles to BART and Caltrain; transit subsidies (e.g., Commuter Check) for employees; charge parking fees (employees and customers); and discounts and other incentives for retail/entertainment/restaurant customers not traveling by auto. 4

We are concerned about potential safety and access problems for bicyclists and pedestrians at the project's main vehicle entrance at the Embarcadero and Bryant Street. The Embarcadero is an outstanding recreational and scenic resource, used by thousands of bicyclists, pedestrians, joggers, skaters, tourists and others. Usage is particularly heavy on weekends and during events at PacBell Park. Currently, other than some lightly used driveways, there are no significant vehicular crossings of the Embarcadero from PacBell Park all the way to Pier 39. The proposed 4-lane roadway at Bryant Street could seriously impede access and present safety hazards. Access and safety must be assured, by measures such as: signal-controlled pedestrian crossing, capable of being activated by Embarcadero pedestrians, bicyclists and other users; countdown signal with ample time for Embarcadero users; traffic calming devices in the project driveway approaching the crossing; warning signage for motorists and Embarcadero users; and strict monitoring and enforcement by DPT officials. Similar conflicts could also occur at the secondary entrance, at the Embarcadero between Bryant and Brannan. This secondary entrance is 5

not even proposed to have a traffic signal. Safety and access measures listed above should also be implemented at the secondary entrance.

5 Cont.

If you have any questions, please contact Henry Hilken, Principal Planner, at (415) 749-4642.

Sincerely,

Ellen Garvey
Executive Officer/Air Pollution Control Officer

Cc: BAAQMD Director Chris Daley
BAAQMD Director Tony Hall
BAAQMD Director Leland Yee
Robert D. Fletcher, California Air Resources Board
Peggy Taricco, California Air Resources Board

## LETTER I – ELLEN GARVEY, BAY AREA AIR QUALITY MANAGEMENT DISTRICT

I-1) The commenter is correct in noting that significant air quality impacts, particularly from reactive organic gasses, nitrogen oxides, and fine particulates would occur as a result of cruise ship traffic in San Francisco Bay. As the commenter further notes, it is difficult for a single jurisdiction, such as the Port of San Francisco, by its own actions to cause the cruise ship industry to adopt specific pollution-reduction technologies. However, in an effort to encourage the adoption of new technologies, and as noted in the response to Comment C-3, a new mitigation measure has been added to the DSEIR to directly address cruise ship-related air pollutant emissions. The new mitigation measure requires that the project sponsor offer a reduced fee structure for cruise ships demonstrating the use of effective emission reduction systems through the use of low emission fuels, more efficient equipment or similar emerging technologies. In addition, two additional mitigation measures have been added to the DSEIR to directly address air pollutant emissions related to operation of the proposed cruise terminal. Please see Section E, Staff-Initiated Text Changes for the appropriate revisions to the DSEIR.

It should also be noted that well-publicized cases of water and air pollution by large cruise operators in recent years, with criminal convictions, have contributed to a tightening of State and federal laws. Cruise lines have begun to respond by developing ships with new engine technology aimed to reduce emissions and improve propulsion.

Three Royal Caribbean ships (one Voyager and two Millennium-class) are powered by General Electric's new gas turbines. It is reported that Royal Caribbean will have as many as nine ships using this technology by 2003 or 2004. At a cost of approximately $32 million per ship, the LM2500+ GE gas turbine engines are used to drive generators that provide electricity to propeller motors. Gas turbines work in combination with steam turbines to power the ship's propulsion and to provide on-board heat and power. Instead of diesel fuel, gas turbine engines require cleaner-burning Marine Gas Oil. Turbine technology produces reduced air emissions (as well as reduced sludge and oil waste) in comparison to diesel engines. Emissions of nitrous oxides are lowered by 80% and sulfur oxides by 98%. Using gas turbines also eliminates the need for the selective catalytic-reduction (SCR) equipment and special exhaust-treatment systems that would be required by diesels. (For further technical information, please refer to *A Fully Enhanced Gas Turbine For Surface Ships*, Jack Janes, The American Society of Mechanical Engineers, 1996.) One of the Millennium-class ships, Infinity, which last visited San Francisco in 2001, is expected to return in the near future.

In addition, Carnival Corporation, in partnership with Finnish engine manufacturer Wartsila, has created a new "smokeless" enviro-engine. This new technology reduces visible emissions and enhances fuel efficiency. This engine is a four-stroke common-rail injection engine that has lower fuel consumption and lower nitrogen oxide emissions than standard engines. This engine is being tested on Carnival Spirit-class ships (which also feature isolated bilge water spaces, thereby reducing the possibility of tainting water with oil). A Carnival Spirit-class vessel last visited San Francisco in 2001, and is expected to return in the near future.

The U.S. Coast Guard has also initiated the "Qualship 21" program that recognizes foreign-flagged ships of all types that demonstrate a commitment to safety and quality and comply with environmental and health regulations. The current list of recognized vessels includes: Holland America's Amsterdam, Maasdam, Noordam, Rotterdam, and Zaandam; Princess Cruises' Crown, Dawn, Grand, Ocean, Pacific, Regal, Royal, Sun and Sea Princesses; Cunard Line's Caronia and QE2; Seabourn Cruise Lines' Seabourn Legend and Seabourn Pride; P&O Cruises' Arcadia and Oriana. Of these recognized vessels, Amsterdam, Zaandam, Dawn, Regal, Sun, Ocean and Oriana are booked to visit San Francisco in 2002, representing 18 out of a total of 41 ship calls.

The commenter's suggestion of a reduced fee incentive program has been agreed to by the project sponsor, as described in the newly added Mitigation Measure E.3 (see Section E, Staff-Initiated Text Changes). Such a program could include implementation of one or more of the specific emissions reduction methods suggested by the commenter, amongst other methods.

I-2) With regard to the suggestion that shore-side power be used for ships in port, it is true that the Alaska Electric Light and Power Company and Princess Cruises jointly invested in the construction of a power station on the South Franklin docks of Juneau, Alaska. The $4.5-$5 million power facility allows cruise ships to shut down their diesel generators that typically power the ship while it is docked. The installation includes a local shore-side transformer with approximately one mile-long cables that draw power from the national grid. Cables are set in a gantry crane so the end plug can vertically align with the ship even with 20 foot tidal swings. This power facility produces up to 13 megawatts of hydroelectric power.

Princes Cruises has outfitted four ships to be able to connect to the electrical system and expects to have a fleet of five ships using the system by the end of 2002. The retrofit cost for each ship is approximately $500,000. Each Sun Class ship (2,200 passenger capacity) draws about 6-8 megawatts, and a Grand Class ship (3,300 passenger capacity) draws about 9 megawatts. To put these power draws in context, the combined capacity of the Hunters Point and Potrero power plants is 635 megawatts, and the peak demand for the entire city is 850 megawatts. As such, powering up a single cruise ship could represent 1% to 1.5% of the City's entire power capacity and about .7% to 1% of citywide peak power demand.

It should be noted that these improvements are for one specific port and designed for specific cruise ships. Such ship retrofits and on-line hookups may be feasible only with a high volume of vessel traffic. To create greater efficiencies, there would need to be a federal mandate standardizing shore-side power facilities with cruise ship retrofits.

It takes approximately 45 minutes to "power up" a Princess Cruise ship in Juneau. As there is no Juneau-like power facility along the urban waterfront in San Francisco, a similar process in San Francisco takes substantially longer. According to San Francisco Drydock, it currently takes 8-12 hours to power up a cruise ship and another 4-6 hours to disconnect the ship from the shore-based power system. Most of the cruise ships that currently visit and would be expected to visit San Francisco do not and would not stay in berth for these extended periods.

I-3) Please see the response to Comment C-3, which indicates the inclusion of three new mitigation measures to directly address cruise ship related air emissions and operations related to the Cruise Terminal.

I-4) As explained on page 86 of the DSEIR, the Transit Impact Development Fee (TIDF) currently applies only to office space in new developments. If, however, pending legislation before the Board of Supervisors is adopted and broadens the scope of the TIDF to apply to the Cruise Terminal project and to include uses other than office, then such components of the project would also be assessed.

The proposed project would not include the provision of shuttles (using clean-burning fuels or otherwise) to BART or Caltrain, as the project site is served by a MUNI Metro line that connects directly to both BART and Caltrain. Specific measures such as transit subsidies recommended by the commenter would be provided for by the measure included on page 176 of the DSEIR, "Provide workers with transit incentives." For additional information regarding transit subsidies, please refer to the Transportation Demand Management Program included as Appendix H to the *San Francisco Cruise Terminal Mixed-Use Project Transportation Impact Study* prepared by The Duffey Company, dated November, 2001.

I-5) Please see the response to Comment C-9.

J

# *Alliance for a Clean Waterfront*

*41 Sutter Street, Box 1364 San Francisco, CA 94104*

January 16, 2001

Rick Cooper
Office of Environmental Review
30 Van Ness
San Francisco, CA 94102

Project: 2000.1229E; San Francisco Cruise Terminal Mixed Use Project and Brannan Street Wharf Draft Supplemental Environmental Impact Report

Dear Sir:

The Alliance for a Clean Waterfront is a coalition of 14 environmental organizations founded 4 years ago to focus on water quality issues in the City and County of San Francisco. We welcome the opportunity to comment on this important project.

1

The Port of San Francisco is the guardian for one of the world's most famous and treasured waterfronts. We appreciate the steps they have taken to date to address their responsibility to reduce the pollutants entering San Francisco Bay. This document needs to better reflect both the problems and the potential solutions to this problem.

In analyzing the regulatory framework for this project, it is clear that tougher regulations for certain constituents of concern are on the horizon and will most likely be implemented before this project is approved. This document notes the upcoming Stormwater Phase II regulations as well as the listing of San Francisco Bay as an impaired water body on the EPA's 303d listing. In addition, pollutant control goals may be even tougher. Staff members at the RWQCB have made clear their expectation that the tighter stormwater treatment requirements embodied in the permit recently approved for the Santa Clara Basin will soon apply to S.F. County . It is essential that the proposed project be assessed in terms of its ability to comply with these new standards as well.

2

With San Francisco Bay already declared an impaired water body, and with Mission and Islais Creeks also named as candidates for such listing, it is reasonable to assume that CSOs will come under increasing regulatory scrutiny. The City and County of San Francisco may very well be required to reduce their current CSO volumes as a result of this listing.

3

We think it is an entirely prudent that the Port (and all City developments) plan for a policy of no net increase in CSO volume, especially in situations where that goal is reasonably feasible. Contributions to the central system from this project

would come from sanitary dry weather sewage and stormwater from the Seawall 330 residential development Project This document (Page 107) states that this project would result in an increase in CSOs of 700,000 gallons annually, on top of a projected volume of 95 million gallons per year, and declares this increase negligible. We disagree.

3 Cont.

The EIR states that there would be a slight reduction in storm runoff due to a 20% change from impervious to landscape in Seawall Lot 330. It is unclear to us whether the above increase in CSOs reflects just the sanitary flows from the project or also include the volume of runoff from the developed seawall lot. Can you clarify this for us?

Recent documents have used an outdated Bayside Model that fails to take into account the significant amount of development which has occurred in the South of Market area over the past several years. It relies on four major projects, while failing to account for the cumulative burden of many individual large projects such as all the highrises, hotels, lofts, and commercial developments like the Sony Metreon Center (estimated at millions of users per day). Could you indicate the model used in this document and discuss what projects were included in the cumulative impact scenario? If the Bayside model was used, please update the data in it to provide a more accurate assessment of cumulative wastewater pollutant loads.

4

In any case, any additional contribution to the central system means more CSOs. The opportunity to reduce CSOs will come in a number of small and medium steps, like this one. The City and the Port should look at this project as their first opportunity to comply with the expected new guidelines for overall reduction of CSOs. The Mission Bay Project has already agreed to keep its stormwater from the new development out of the central system, and give it a couple levels of treatment onsite. This document errs by accepting the cumulative increase as insignificant. Instead, this project should be viewed as an opportunity to move in the other direction, towards a cumulative reduction.

5

Decoupling and treating the stormwater runoff from the Seawall Lot development should be an easy matter - roof runoff could be directed to the same treatment as that from the terminal.

6

Wastewater is of course another matter, but similarly, could be treated on-site with a membrane bio-reactor, converted to recycled water and reused on site or sold to nearby potential users. This document includes no references to recycled water. What is the capacity for use of recycled water in the project?

7

City ordinances require many nearby developments to be plumbed for recycled water and accept that water once there is a source. A strategy such as this would prudently reduce pollutants , CSOs, and generate a

source of recycled water. In addition, it would make this development an environmentally just one, the first to not send any new wastewater to the already overburdened Bayview Hunters Point community. Whether or not the system "can handle it " it is unacceptable to continue to increase the burden on the Southeast Plant and neighborhood and to increase the CSOs to the already impaired Islais Creek and Bay.

It should also be a relatively easy matter to devise a plan to achieve high levels of treatment for the runoff from the rest of the development - Pier 30-32 and the Brannan Street Wharf Project - given the availability of some to-be-designed open space, and the capture of all rooftop stormwater. Additionally there are efficiencies and extended opportunities if all three sub-developments are looked at together. 7 Cont.

As the Draft Stormwater Management Plan for the Southern Waterfront has illustrated, "the greatest opportunity to protect water quality and reduce stormwater runoff can occur during site planning (p 8-2). This planning approach can help the Port and its tenants avoid the expense of future retrofits to meet new wastewater goals.

Tools for a Better Stormwater Management Plan

The Port is taking the initial steps to get out ahead of the curve "in those isolated areas that have separate stormwater drainage to the Bay, such as the piers in the project area, by requiring the implementation of a stormwater control plan" (Mitigation D.1.) However, there is a need to strengthen and update the stormwater control plans, by providing a wider array of state-of-the-art BMPs.

Mitigation D.1. should go farther than "requiring all tenants to implement source control Best Management Practices consistent with those identified in the San Francisco Water Pollution Prevention Program and the Industrial / Commercial Stormwater Best Management Practices handbook. " 8

Again the Draft Stormwater Management Plan for the Southern Waterfront (T& R,02) , referred to limits to the old handbook:

" Over the past nine years there have been significant advances in the field of treatment BMPs which are not reflected in the California Stormwater Management BMP handbooks. Recently many local and state agencies have developed stormwater design manuals, which provide more extensive design guidance on the most effective structural and non-structural BMPs for development sites (Maryland, 2000: King County, 2000, Sacramento County, 2001). Providing sound design guidelines or standards for treatment BMPs is important to improve the quality of BMPs ...specifically with regard to performance, longevity, safety, ease of maintenance, community acceptance and environmental benefit." (p. 8-8) 9

Page 96 of the Cruise Terminal EIR states that Pier 30-32 and the Brannan Street Wharf "may be candidates for alternative (stormwater treatment) technologies". The document goes on to say that development of these technologies are still being considered at the conceptual level and it is not known if they would be applicable to the proposed projects.

We are dismayed by the tone of these comments. All solutions are site specific. While some "alternatives" may be brand new technologies, other options have been IN USE for years, with results data from many localities. In many cases they can achieve pollution control goals cheaper, better, and/ or more aesthetically. There are existing proven technologies that are applicable to this project that could and should be easily could included for review in this document, and this oversight should be remedied in the final document . This analysis is inadequate in failing to seriously consider these alternative technologies.

We urge you to make sure that the "alternative" or "innovative" options are considered by the Port in its (updated) guidelines and by its tenants. As the Southern Waterfront Report and the PUC's initial attempt to review alternatives - the Screening of Feasible Alternatives, Brown & Caldwell, '99 (the SOFT Report) - revealed, many alternatives are on line and functioning. The are a number of options that can be utilized in relatively small confined development projects. Mission Bay is using state-of the art vacuum street sweepers and end-of-the-line vortex style spinners that have a high rate of pollutant removal. The open space and landscaped areas also provide an opportunity for some of the more compact natural systems such as vegetated swales. In addition the SOFT Report also lists the "Fresh Creek Technologies system which does not use land space, but rather partitions part of the bay using geotechnical curtains that contain overflows and pump them to treatment operations. They have been designed as a multi-faceted amenity that is built into a wharf structure. Again, all solutions are site specific. We applaud the Port's serious look at the potential use and advantages of these alternatives in the Southern Waterfront Project area, and urge the same consideration in all the port development projects. Similarly, a consultant knowledgeable in the application of these additional "alternative" BMPs should be hired to analyze the project and make recommendations. 9 Cont.

Another area of concern with Mitigation D.1 refers only to requiring "source control Best Management Practices. It should be made clear that the tenants should look a deploying a range of strategies that may include a combination of source control, in-line, and downstream control measures in order to meet upcoming regulations and water quality goals. 10

It should also be noted that the Brannan Street Wharf is being built directly above the Brannan CSO outlet. So the current and projected CSO volume will have a direct impact on the enjoyment of this open space, particularly if fishing is a 11

contemplated use. Surely there should be some attempt at mitigating this contradiction. 11 Cont.

Lastly, again we must protest the use of data form the Yerba Buena Island monitoring station to make assessments and pollution control judgments about our near shore water quality situation. This claim was made in the Southern Waterfront EIR, specifically that there was very little data about the state of Islais Creek. And yet the subsequent Stormwater Management Plan for the Southern Waterfront found that there was considerable data - from the City's CSO monitoring, the toxic hot spot report, and an analysis on the BPTCP study by Hunt et.al.(2001) - all of which provided a much more accurate and relevant assessment of pollutant loads from which to make more relevant assessments about needed future pollutant control remedies. We urge you to re-research and provide a better handle on pollutant loads, as well as an analysis of the expected pollutants that may be coming of the site and how they specifically pertain to upcoming regulations. 12

We are encouraged by the Port's efforts in the Southern Waterfront and urge them to apply this effort with all new major developments. The Port can lead the way to a new era of environmentally just, sustainable cost-effective development, and having the foresight to enhance the waterfront for all while managing this new waterfront buildout. 13

Thank You for your consideration of our concerns in these matters.

Jeff Marmer, Chair
Sewage and Stormwater Committee

Jennifer Clary, Chair
Alliance Steering Committee

## LETTER J – JEFF MARMER AND JENNIFER CLARY, ALLIANCE FOR A CLEAN WATERFRONT

J-1) Comment noted. The Port maintains that it is dedicated to continuing its efforts to reduce pollutants entering the Bay.

J-2) Currently, the San Francisco Public Utilities Commission and the Port are working together in developing a comprehensive strategy to address the upcoming stormwater Phase II regulations. The City is familiar with the NPDES stormwater requirements for the Santa Clara Valley that were finalized in October 2001 and is incorporating consideration of these requirements into its planning program.

At this time, the City's combined sewer system and associated discharges are in full compliance with all permit requirements. The City is in the process of coordinating with the Regional Water Quality Control Board to update the permit as necessary, including consideration of future stormwater requirements. The Port maintains that it will continue to meet all of its Clean Water obligations.

J-3) As stated on page 96 of the DSEIR, currently all discharges from the combined sewer system to the Bay, including CSOs, are operating in compliance with existing permits. The existing permits have no requirements for reducing CSO volumes, and the City intends to comply fully with future regulatory requirements. The planning, operation, and permitting of the CSO system is conducted by the San Francisco Public Utilities Commission, not by the Port of San Francisco, although there is coordination between the two City agencies.

The DSEIR on page 107 presents quantitative estimates of increased wastewater flows associated with the proposed project using the Bayside Planning computer model. As stated in the DSEIR, the project would result in approximately 0.7 million gallons per year (which is the same as 700,000 gallons annually) of CSOs over the base case scenario. The DSEIR states that the base case volume of CSOs is 905 million gallons per year (not 95 million gallons per year as indicated by the commenter). Therefore, the estimated increase can be calculated as 0.08% of the base case, which is probably beyond the margin of uncertainty of the model, and it is reasonable to consider this small percentage increase as negligible.

The model results account for both the stormwater runoff from the developed lot (including the reduction associated with the decrease in impervious surface) and the increase in sanitary flows associated with the project. It should be noted that in terms of stormwater alone, the project would result in a net reduction of runoff compared to existing conditions.

J-4) The Bayside Planning model used in the DSEIR incorporates both sanitary sewage and stormwater input data from ten sub-watersheds on the bayside of the City. It would not be practical or useful to break down the input data further into smaller areas, since doing so would not improve the results to any measurable level of accuracy.

The dry weather flow measurements at the Southeast Water Pollution Control Plant (SEWPCP) are also critical inputs to the model, but they are only accurate to within 10 to 15 percent of the actual flow. The sanitary sewage input used in the Bayside Model (69 million gallons daily) is consistent with current dry weather influent (the flow that enters the plant) data from the SEWPCP (69 million gallons daily, average dry weather flow for May to October 2000). Because the calculated dry weather flow is the same as the actual dry weather flow measured in 2000, the model provides for recent developments such as the Metreon.

The storm runoff inputs for the Bayside Model are based on areal dimensions and runoff coefficients based on percent impervious surface for each of the ten sub-watersheds. These runoff coefficients are based on a 1980 Metcalf and Eddy study. While this study may not be recent, it is the most current and any changes on developed land (such as replacement of a single-story structure or paved parking lot with construction of a high-rise building) would have minimal effect on the sub-watershed runoff coefficients used to compute stormwater runoff volumes.

As such, the cumulative wastewater flows used in the Bayside Model and in the Draft EIR were based on sanitary flows estimated to within the accuracy of data measured at the SEWPCP and on the most current stormwater runoff calculations. Therefore, no changes in the Bayside Model or in data presented in the Draft EIR are warranted at this time.

J-5) Please see the response to Comment D-7. Also, it should be noted that the City is currently working with the RWQCB in updating its permits and will take steps as necessary to remain in compliance with regulatory requirements. The mitigation measures included in the Mission Bay project are independent of regulatory requirements and are not applicable to this proposed project.

J-6) Comment noted. Please see the response to Comment J-4, which discusses the issue of stormwater runoff.

J-7) The City currently has a draft Recycled Water Master Plan, but no adopted plan or ordinance requiring new developments to install dual plumbing for recycled water is currently in place. Further, on-site, small scale treatment processes, as suggested by the commenter, are not as reliable as large-scale municipal treatment plants in effectively treating sanitary sewage and reducing pollutant loads. As such, an evaluation of the appropriateness of recycled water use for a single development such as the proposed project was not necessary.

Further, it should be emphasized that the Cruise Terminal project would result in less than significant effects related to stormwater runoff. As stated on page 105 of the DSEIR, "With implementation of the proposed on-site stormwater system as part of the Cruise Terminal project, the quality of stormwater runoff originating from the project area from the commercial, retail, and public open space uses and discharging to the Bay would likely be improved over existing conditions and would result in a less than significant impact."

J-8) To clarify, the language to which the commenter refers is part of Improvement Measure D.1 on pages 172 and 173 of the DSEIR, and not Mitigation Measure D.1. This distinction is important because this improvement measure is included in the DSEIR to minimize effects of the project

already identified as less than significant, and is therefore not necessary in order to reduce project-related effects to a less than significant level. The project sponsor would be required to comply with existing controls/regulations that are in place (e.g. the San Francisco SWPPP) and with any applicable revisions to those controls/regulations.

The Port has committed to consider the recommendations from the Draft Stormwater Management Plan for the Southern Waterfront into the planning and design of the proposed project. Site design recommendations aimed at increasing infiltration and using natural features to capture and treat runoff that would be applicable to the seawall lot and pier development include keeping the stormwater out of the combined sewer system, using structural Best Management Practices (e.g. cover, contain) in areas with higher potential for pollution (e.g. materials storage, fueling), and capturing and treating the specified volume of stormwater, etc.

J-9) Comment noted. As stated above in response to Comment J-8, the Port has committed to consider the recommendations from the Draft Stormwater Management Plan for the Southern Waterfront in the planning and design of the proposed project.

J-10) As stated in the response to Comment J-8, the language to which the commenter refers is part of Improvement Measure D.1 on pages 172 and 173 of the DSEIR and not Mitigation Measure D.1. Also, see the response to Comment J-2.

J-11) The DSEIR addresses the location of the Brannan Street CSO in proximity to the proposed project sites. Page 107 states:

> It should be noted that while the increase in CSO volume and frequency would be negligible compared to existing conditions, any CSO events from the existing Brannan Street CSO structure may be more noticeable if either the proposed Cruise Terminal or Wharf project is implemented. Both projects are intended to create a public attraction and viewing point at the same location as the existing CSO structure at the end of Brannan Street. During and following rainstorms, discharges from the Brannan Street outfall, though submerged, may be visible from the proposed Brannan Street Wharf, as well as the south side of the cruise terminal and the Bay. However, the CSO discharges would be partially treated and would meet the requirements of the NPDES permit, so that water quality impacts to the Bay would be minimized.

J-12) The DSEIR (pages 96-97) provides a general description of overall existing water quality conditions of Central San Francisco Bay along the City's waterfront, based primarily on data from the Yerba Buena Island sampling station. This information is used to describe background conditions of the general project area and provides an update of similar information presented in the Waterfront Plan EIR. While this information does not provide site-specific water quality data about the City's bayside shoreline conditions, it does present consistent, long term, reliable water quality information on the portion of the Bay closest to the City. The commenter is correct in noting that more site-specific data regarding the Bayside waterfront are available, however, these data are from limited sampling of discharge monitoring done to evaluate specific pollutants or media, such as sediment sampling in Islais Creek, coliform sampling at public beaches, and required discharge monitoring data from the SEWPCP. Consequently, these data do not provide a

comprehensive overview of nearshore water quality conditions and were not used to make assessments and pollution control judgements about the near shore water quality situation.

Individually, these sets of data are not used to make assessments and pollution control judgments about the near shore water quality situation. Rather, the City and the Port maintain ongoing coordination with the Regional Water Quality Control Board to determine measures needed to comply with regulatory requirements for protection of water quality.

Further, as stated above in response to Comment J-8, the Port has committed to consider the recommendations from the Draft Stormwater Management Plan for the Southern Waterfront in the planning and design of the proposed project.

J-13) Comment noted.

K

JAN 16 2002
CITY & COUNTY OF S.F.
DEPT. OF CITY PLANNING
ADMINISTRATION

**301 Bryant Street**
**San Francisco, CA 94107**
January 15, 2002

The Planning Department
City and County of
San Francisco
1660 Mission Street, Suite 500
San Francisco, CA 94103-2414

Reference: 2000.1229E (COOPER: 558-5974)
SAN FRANCISCO CRUISE TERMINAL MIXED-USE PROJECT AND
BRANNAN STREET WHARF PROJECT

Dear Planning Department:

This letter is from various concerned residents of **301 Bryant Street Condominiums**. We have reviewed the Draft Supplemental Environmental Impact Report (SEIR) for the above Project. While in general the Project is admirable, we are very concerned about the height variance application for the proposed condominium project and its effect on the surrounding residences. We refer to pages 61-63 of the SEIR which discuss the Project's effects on surrounding views. We strongly disagree with the statements that: a) the proposed seawall development would "introduce buildings to the site that are in keeping with the heights of other nearby buildings" (page 62, last paragraph) and b) "while a potential substantial change to the residents of [Bayside Village and Portside Condominiums], visual impacts to private property would not be considered significant" (page 63, carryover paragraph).

Introducing two tall towers along Bryant Street on the seawall lot (one to be 130 feet, one to be 187 feet) will constitute a **real** (not "potential"), **substantial adverse change** to a large number of the residents of **301 Bryant Street Condominiums** (in addition to the effect on residents of Portside and Bayside Village). Our views of the Bay Bridge and Yerba Buena Island will be in many cases totally or largely blocked, with a resulting decline in property value. At the time we purchased our units at 301 Bryant Street, we were aware of and relied on the 105 feet height limit on the seawall lot. In addition, we believe there will be a negative impact for other buildings further along the Bryant Street corridor toward Second Street. 1

We also disagree that these towers would be "in keeping with the heights of other nearby buildings". The important comparison is with adjacent lots along the Embarcadero, not with buildings set back further from the waterfront. In this regard, the proposed Northeast Corner Tower and, in particular, the West Tower, would be substantially taller than their neighbors. The towers would accordingly **not** be "in keeping" with surrounding buildings but would instead be out of place in this location.

For the reasons stated above, we strongly encourage the Planning Department to reject the proposed height variances for the West Tower and the Northeast Tower of the Project. As noted above, the West Tower's proposed height of 187 feet is particularly egregious. We recommend that the Planning Department instead adopt one of the SEIR alternatives that stays within the existing 105 feet height limit and Bulk District F limits. 2

We hope that you will give serious consideration to our request. Should you wish to contact us to discuss this further, please contact Judith Walsh (#302) at (415) 957-0656 or Bob Finnell (#502) at (415) 495-7485.

Sincerely,

Robert D. Finnell #502
ROBERT D. FINNELL

#104
#104

Judith B. Walsh #302

Stephen Schurman #202

Timothy Cohrs #103
TIMOTHY COHRS

J. Nicolsburg #204

PATRICK PIRKEY #101
& MARYANN PIRKEY

#304
301

#504

Justin Chen #601

Benjamin Jones
#101

#704

Jan & Jiri Malin #503

## LETTER K – RESIDENTS OF 301 BRYANT STREET

K-1) The statement regarding the proposed seawall lot buildings' heights with which the commenter disagrees appears on pages 62-63 of the DSEIR, as follows: "The proposed residential development on the seawall lot would, as described above, introduce buildings to the site that are in keeping with the heights of other nearby buildings, but would be taller than most other buildings along The Embarcadero." This statement is substantiated by a description of buildings in the project neighborhood that appears on page 59 of the DSEIR:

> The three towers, which would range from 105 to 187 feet in height, would be the tallest buildings along The Embarcadero in the immediate area, but would be of similar or lesser heights than recently-constructed residential tower projects in the South Beach neighborhood. For example, Avalon Towers, located two blocks to the northwest on Beale Street, is 230 feet tall. The Brannan, located less than two locks to the west, is 195 feet tall. One Embarcadero South, just over two blocks to the south, is approximately 140 feet tall.

In addition, Bridgeview condominiums, located on the west side of Beale Street adjacent to the Harrison Street overpass, is a 245-foot tall residential building under construction.

With regard to the DSEIR's conclusion that the Cruise Terminal project would not result in a substantial adverse change to visual quality, the Planning Department considers only the effects on public views as potentially significant. As stated on page 63 of the DSEIR, "The proposed buildings would primarily affect some views from private residences in the Bayside Village and Portside Condominium complexes. While a potentially substantial change to the residents of those properties, visual impacts to private property would not be considered significant." Thus, while for CEQA purposes impacts on private views are not considered, it is acknowledged that some private views would be adversely affected by the proposed project.

K-2) Comment noted; this is a viewpoint on whether the proposed project should be approved with variances for an increase in height and bulk, and not an environmental issue.

L

Mr. Rick Cooper
City and County of San Francisco
Planning Department
1660 Mission Street
Fifth Floor
San Francisco, CA 94103

RECEIVED
JAN 17 2002
PLANNING DEPT

January 7, 2002

**Re: Comments on San Francisco Cruise Terminal Mixed-Use Project and Brannan Street Wharf Project Draft Supplemental Environmental Impact Report (SEIR) – Case No. 2000.1229E**

Dear Mr. Cooper:

Bluewater Network, a national environmental group based in San Francisco that works to fight environmental damage caused by the oil, shipping and motorized recreation industries, hereby submits the following comments on the Draft SEIR for the San Francisco Cruise Terminal Mixed-Use Project and Brannan Street Wharf Project. Bluewater operates, among others, a campaign to combat pollution from cruise ships, a campaign we started more than two years ago in the wake of the series of illegal dumping incidents by Royal Caribbean and several other cruise lines.

These comments are also being submitted on behalf of Waterkeepers Northern California, which works to protect the health of our Bay, Delta and surrounding waterways. 1

**Water Quality**

Simply put, more cruise ships in the Bay will lead to more pollution in the Bay. These ships are floating cities that generate tremendous volumes of waste. A typical cruise ship on a one-week voyage generates more than 50 tons of garbage, two million gallons of "graywater" (waste water from sinks, showers, galleys and laundry), 210,000 gallons of sewage, 35,000 gallons of oil-contaminated water, and untold amounts of hazardous waste.

Furthermore, the cruise industry has a history of polluting the seas. The US General Accounting Office recently reported that, from 1993 to 1998, cruise ships were responsible for 87 confirmed cases of illegal discharges of oil, garbage, and hazardous wastes into US waters. Twelve of these cases occurred in California.

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Cruise ships continue to have similar pollution and compliance problems today. Due to a series of cruise ship pollution incidents in the State of Alaska, the Alaska Department of Environmental Conservation launched an initiative last year to sample cruise ship wastewater discharges for various pollutants. Sampling last summer showed that the marine sanitation devices that are supposed to treat sewage prior to discharge are not functioning properly; only one treated sewage sample out of 70 met both the federal standards for fecal coliform (200 colonies/100 ml) and total suspended solids (150 mg/l). Sampling of graywater, which the cruise industry claims is harmless, also revealed levels of fecal coliform in the millions in several samples. Combined graywater and sewage samples showed excessive levels of metals and phthlalates. Sampling this summer revealed chlorine residuals as high as 70 mg/l (Alaska's water quality standard is 0.002 mg/l), fecal coliform counts as high as 9,000,000/100 ml, and total suspended solids as high as 26,000 mg/l.

Many of the same ships sampled in Alaska also travel to San Francisco. We urge you to recall that San Francisco Bay is listed by the Regional Water Quality Control Board as an impaired water body.

It is completely legal under existing laws and regulations for cruise ships to discharge treated sewage and graywater into San Francisco Bay. However, the cruise companies will tell you they have a voluntary corporate policy of zero discharge in California waters. Unfortunately, this does not appear to be the case. Carnival Cruise Lines dumped more 40,000 gallons of wastewater each week into the Port of Los Angeles during the first five months of 2001. Further, it came to Bluewater Network's attention last year that witnesses on board a Celebrity Cruises ship saw what they believed to be oil and perchloroethylene, or perc, a hazardous waste used in dry cleaning, being pumped off the ship into San Francisco Bay. During a criminal investigation of the San Francisco incident by the Department of Justice, the cruise line claimed that the discharge witnessed was simply deck wash runoff. The Material Safety Data Sheet (MSDS) of the "environmentally friendly" detergent they were using to wash the deck and then discharging into the Bay showed that the detergent contains cadmium, arsenic and lead. 1 Cont.

In light of the above, the Draft SEIR's assumptions that "standard cruise ship operations that would be implemented as part of the proposed project... [would] protect Bay water quality from cruise ship discharges" (page 108); that sewage from cruise ships would not affect Bay water quality in the project vicinity (page 109); and that discharges of graywater do not typically occur by cruise ships in the Bay (page 109) are overly optimistic. The Draft SEIR states that the increased operation of cruise ships associated with operation of the cruise ship terminal "could potentially" result in the degradation of water quality and thus the project "could result in a potentially significant" impact to water quality. We suggest that the project unquestionably "will" result in significant impacts in light of our extensive experience and knowledge of cruise ship practices.

The report's assertion that the mitigation measure put forward to address ship-related impacts on water quality, which very generally calls for a program to prevent cruise ships from discharging into the Bay, would reduce the water quality impacts to a less than significant level, is quite unrealistic. If the final SEIR plans to assert that this mitigation measure will do as much, it must be far more specific in stating what such a program should include, such as requiring zero discharge of gray water and sewage in the Bay, instituting a strong monitoring component with random sampling and inspections, and including interested environmental organizations and citizens in regular meetings to address ship discharge issues. 2

In light of the increased risk of oil spills posed by the increase in cruise ship traffic that will result from the project and the weakness of oil spill response organizations in San Francisco Bay, we strongly support the mitigation measure recommending that the cruise terminal operator develop a site-specific oil spill prevention and response plan (OSPRP) to supplement the general San Francisco plan, maintain a contract with the spill response calendar, and maintain on-site first response supplies. 3

The Draft SEIR neglects to address the impacts on water quality from the increase in the number of cruise ships in the Bay bearing tributyltin, or TBT, anti-fouling paint that will occur as a result of the project. TBT is a highly toxic biocide that is applied to the hulls of ships to prevent the growth of algae, barnacles and other marine organisms. TBT leaches from the paint and enters the marine environment where it accumulates in sediments, particularly in areas with heavy ship traffic such as ports. TBT disrupts the endocrine and immune systems of marine shellfish, and dead sea otters and dolphins have been found with TBT concentrations in their livers. Trace amounts of TBT are now found in almost all the world's harbors. According to the World Health Organization, TBT is one of the most toxic substances knowingly released into the environment today. Environmentally less harmful and effective alternatives to TBT-based paint exist. The final EIR should consider the increased impacts to water quality and biological resources that are likely to result from an increase in the number of TBT-painted cruise ships in San Francisco Bay, and propose mitigation measures, such as requirements to phase out TBT use on cruise ships, such as Alaska has done through Bluewater-sponsored state legislation in 2000, if the impacts are found to be significant. 4

The hydrology and water quality chapter of the Draft SEIR contains some significant inaccuracies. One, its statement that cruise ships do not typically take on or discharge ballast water is inaccurate and should be corrected. It further states that complaince with existing regulations would minimize the potential for introducing nonindigenous species into the Bay as well as protect Bay waters from other pollutants and contaminants present in ballast water, is also incorrect. In fact, cruise ships are in continuing violation of California's Ballast Water Management for Control of Nonindigenous Species Act and have been since the law went into effect in 2000. 5

Because the State Lands Commission (SLC) received commitments from the cruise lines that they would develop a plan to come into compliance at some future date, the SLC agreed to refrain from initiating legal action against the cruise lines for their ongoing violations. The cruise lines have not fulfilled their commitments to the SLC, and the SLC has recently stated that it is consulting with the Attorney General's office to determine how to address these violations. Bluewater Network would recommend that the Planning Department consult with the SLC to determine the potential impacts of cruise ships' ballast water management problems on San Francisco Bay, and include such impacts and mitigation measures if necessary in the final EIR. 5 Cont.

Secondly, the Draft SEIR states that California is developing legislation to monitor cruise ship pollution (page 102). In fact, this legislation, AB 2746, sponsored by Bluewater Network, was passed by the California Legislature and signed by Governor Davis in 2000. Pursuant to this legislation, an inter-agency Cruise Ship Environmental Task Force was formed in January 2001 to evaluate the environmental practices and waste streams of cruise ships operating in California for a period of two years. Cruise ship air emissions are be monitored by regulators, and cruise ships are required to report all discharges of sewage and other wastewater to the Task Force. The legislation requires the Task Force to prepare a report to the Legislature by June 2003 with recommendations on how to improve regulations that apply to cruise ship waste management practices in California. 6

The Draft SEIR should be corrected to reflect the existence and relevance of this legislation, and to take into account the possible environmental impacts of cruise ship waste management practices that may be revealed by the Task Force's report, as well as regulatory changes that may be recommended.

**Air Quality**

The Draft SEIR demonstrates that daily emissions from the cruise terminal would substanitally exceed the Bay Area Air Quality Management District's (BAAQMD) significance threshold of 80 lbs. per day for reactive organic gases (ROG), nitrogen oxides (NOx) and inhalable particulates (PM-10), and that annual emissions would exceed the BAAQMD's annual threshold of 15 tons per year for ROG and NOx in 2004 and ROG and PM-10 in 2020. The project will thus have significant regional and cumulative impacts on the Bay Area's already poor air quality. The Bay Area is currently in non-attainment of state and national ozone standards and the state PM-10 standard. NOx and ROG are precursors to ozone. Thus far in 2001, the Bay Area has exceeded the federal one-hour ozone standard once and the state one-hour standard fifteen times. Commercial marine vessels account for nine percent of PM and four percent of NOx emissions in California. The share is greater in the Bay Area, where commercial marine vessels produce 23 percent of the PM and 12 percent of the NOx in our air. 7

The Draft SEIR suggests that these significant impacts on air quality are unavoidable, yet it fails to include any mitigation measures to reduce emissions of air pollutants from cruise ships. There are several measures which are proven to reduce such emissions, and these should be included in the final EIR.

A primary source of air pollution from cruise ships in port is their operation of auxiliary engines and generators to power the ship. This can be reduced significantly by requiring the ships to turn off their engines and connect to shoreside power, as one ship has already begun doing in Alaska. This mitigation option should be addressed in the final EIR, and consequently, the energy consumption impacts of the project would have to be reassessed. Other mitigation options, such as requiring the ships to move at slower speeds (thus producing less emissions), install particulate matter traps and use cleaner burning, lower sulfur content fuel, gas turbine engines and enhanced combustion technology, should also be considered and included in the final EIR. 7 Cont.

A final note on air quality: The Draft SEIR notes that EPA issued a final rule in 1999 that establishes emissions standards for large commerical marine diesel engines which will take effect in 2004-2007, and that such standards will lead to significant reductions in NOx and PM emissions (page 120). This is in fact inaccurate. New EPA standards for harbor craft, including ferries, tugboats and other "Category 1 and 2" vessels, will phase in between 2004 and 2007, potentially reducing air emissions from these types of craft. But large ocean-going ships such as cruise liners – so-called "Category 3" vessels -- remain exempt from emissions standards. 8

In 1999, Bluewater Network filed a lawsuit against EPA for failing to regulate these marine engines. As a result of our legal settlement, EPA will begin a rulemaking process for controlling Category 3 vessel emissions in US waters beginning in April 2002, and publish a rule by January 2003. EPA has since informed Bluewater Network in our settlement negotiations that they may not be able to apply these regulations to non-US flagged ships. The overwhelming majority of cruise ships are foreign-flagged. The final SEIR should thus not assume that these future regulations will result in any reductions in NOx and PM emissions from foreign-flagged cruise ships.

**Biological Resources**

The Draft SEIR fails to examine the impacts of the operation of the cruise terminal on whales. The number of gray whales sighted in San Francisco Bay has risen significantly in recent years. Oceanic Society researchers counted 69 whale sightings in the bay in 2000, compared to 39 in 1999. Around the world, ships are striking and killing an alarming number of whales, many of them young whales and newborn calves. The death toll is likely to rise with the expansion of ocean cruising and global shipping. 9

This past summer, a pregnant humpback whale was struck and killed by a cruise ship in Glacier Bay, Alaska. In a report titled "Collisions between Ships and Whales" in January 2001, the journal of Marine Mammal Science found that, when combined with other human-related causes of death, ship strikes could imperil the long-term survival of species such as Eastern Pacific Gray whales that are found in San Francisco Bay. Other species of whales also travel the waters outside the gate that are traversed by cruise ships, including endangered humpback and blue whales, minke, sei, orcas and, occasionally, sperm and Pacific right whales. The final EIR should examine the impact of the increase in cruise ships in the Bay that will result from the project on the whale populations in the area, and propose mitigation measures if they are found to be significant. 9 Cont.

**Hazardous Waste**

The Draft SEIR fails to examine the potential risks and impacts associated with the increase in hazardous wastes present on the Bay and at the port that will result from the increase in cruise ships in the Bay. Cruise ships generate significant volumes of a variety of hazardous wastes, and have been known to illegally discharge hazardous wastes through their wastewater systems and to improperly handle, store and dispose of hazardous waste.

In 1999, the Florida Department of Environmental Protection initiated a dialog with the cruise industry after finding a pattern of violations of hazardous waste management regulations by cruise ships. This has led to the development of a cruise ship on-board hazardous waste stream checklist for the Coast Guard to incorporate into its routine inspections of cruise ships. It is our understanding that this checklist will be used for inspections in California, although this is something that should be ensured by the Department and the Port. We recommend that they also ensure that such inspections be tailored to incorporate and account for California's stricter state hazardous waste management regulations. 10

**Additional comments**

The Draft SEIR states that the number of cruise ship calls will increase from approximately 40 at present to 69 in 2004 and to 107 by 2020, increases of 73 and 168 percent, respectively, from current levels. In several places the Draft SEIR suggests that this growth would likely occur in the no project scenario, that Pier 35 would accommodate this many annual cruise ship calls (pages S-20, 179, 182, 183). This is inconsistent with more accurate assertions elsewhere in the report that Pier 35 would be inadequate to meet the Port's objectives with regard to attracting and servicing the cruise industry (page 180), and that the expected increase in ship calls would be 11

less than would occur with the proposed project in the no project alternative (page 183). These inconsistencies should be corrected.

We thank you very much the opportunity to comment on the Draft SEIR for this project, and look forward to participating further in the development process of San Francisco's cruise terminal to ensure that it is as environmentally sound as possible.

11 Cont.

Sincerely,

Kira Schmidt
Campaign Director

## LETTER L – KIRA SCHMIDT, BLUEWATER NETWORK

L-1) The commenter's concerns regarding the potential adverse water quality impacts of cruise ship discharges, and its claims that the cruise ship industry has a history of polluting the seas, are noted. In light of concerns over discharges from ships, including cruise ships, federal and state legislation has been enacted to address both intentional and incidental discharges. A discussion of these regulations is included in the DSEIR on pages 97 to 103, with the related impact analysis on pages 104 to 113.

To address the potential impacts associated with the introduction of non-indigenous species through ballast water discharges, the federal 1990 Non-Indigenous Species Act was enacted. As discussed in the response to Comment D-1, the State law, AB 703 became effective in January 2000. This law established a statewide mandatory ballast water management and control program under the jurisdiction of the State Lands Commission. Recognizing the need to address potential adverse impacts associated with the discharge of ballast water carried by ships arriving from foreign locations, the legislation requires additional research and evaluation of technologies to address ballast water treatment that is currently being conducted

In addition to legislative efforts to address cruise ship discharges, the International Council of Cruise Lines (ICCL) has indicated its recognition of violations of environmental laws involving cruise lines and the efforts of its members to strengthen its environmental policies and procedures. On December 1, 2001, the members of the ICCL, which includes all of the major cruise lines expected to call at the Port of San Francisco, unanimously adopted several mandatory waste management standards. These include meeting or exceeding international restrictions on the discharge of graywater, blackwater, bilge and oily waste residues, and restrictions or outright bans on discharge of silver (from photo processing), print shop waste fluids, dry-cleaning fluids, printer cartridges, unused pharmaceuticals, fluorescent and mercury vapor lamps, and batteries. (see: www.iccl.org/policies/environment.htm). The standards note that some member cruse lines are field-testing wastewater treatment systems that utilize advanced technologies.

One line testing such systems is Holland America, which regularly tests the water with an independent lab and makes those findings available to the U.S. Coast Guard. Those readings have revealed water with zero fecal coliform per 100 milliliters and non-detectable levels of suspended solids. Holland America's Alaska-bound Statendam and Zaandam employed the new treatment plants in 2001. Three other Alaska-bound vessels (Vollendam, Veendam, Ryndam) will have the system installed at a cost of $2.5 million by mid-2002. The Zaandam is scheduled to berth in San Francisco in 2002. The Vollendam and Veendam visited San Francisco in 2001 and the Ryndam in 2000, and all are expected to visit San Francisco in the near future.

It should also be noted that the Holland America cruise line is employing a new technology that purifies gray and black water to near-drinking quality. Developed by Zenon Environmental Inc. of Canada, the on-board treatment plant processes wastewater through a two-step bio-chamber stocked with bacteria that break down and consume harmful bacteria and chemical. Water then passes through a filtration system that uses a vacuum to suck the water through thousands of tiny

.03-micron tubes that allow only water molecules to pass. Suspended solids are left behind in the filtration chamber. Filtered water finally passes through ultraviolet light as a final polishing stage before discharge. The discharge water is pure and would meet EPA drinking water standards for a slight saline content, but would be re-used for deck wash-downs, laundry rinsing, engine cooling, and ballast. This water treatment system also eliminates any potential harmful impurities in ballast water that result from non-indigenous species.

The DSEIR overtly acknowledges the potential for substantial adverse water quality effects to occur as a result of cruise ship operations by concluding that such operations may result in a significant impact. While, as the commenter notes, the term "potentially" is used with regard to the statement of significance on page 108, page 109 of the DSEIR states: "Thus, due to uncertainty in the effectiveness of existing regulations and the potential for discharges to occur (although such occurrences would likely be very infrequent), the increase in shipping activities associated with the proposed project could potentially result in degradation of water quality. This would be considered a significant impact." The term "potentially" was used because it is not a certainty that cruise ship discharges would occur in San Francisco Bay and that such discharges would have substantial water quality effects. The conclusion of a significant impact carries the same weight under CEQA, regardless of how it is precisely worded.

Further, as noted in the response to Comment D-8, Mitigation Measure D.1 has been revised to better address potential cruise ship releases of incidental or intentional non-ballast water discharges to the Bay. As noted in the response to Comment D-3, Mitigation Measure D.2 has been added to the DSEIR, under which the project sponsor would initiate and maintain a program to prevent cruise ships at the proposed cruise terminal from releasing unauthorized ballast water discharges. Please see Section E, Staff-Initiated Text Changes, for these revisions to the DSEIR.

Regarding the sampling conducted in Alaska, it should be clarified that the salinity of seawater is 35,000 ppm (parts per million). By definition, salinity is the total of eleven of the most abundant dissolved elements in seawater; by weight, sodium and chloride make up most of the dissolved component of seawater. In seawater with a salinity of 35,000 ppm, the chloride concentration is 19,400 ppm. As such, according to the Port, the sampling findings of 70 mg/l (equivalent to 70 ppm) cited by the commenter may have violated Alaska's discharge freshwater quality standard, but a discharge of that size would have no adverse environmental effect on ocean water.

Regarding the Celebrity cruise ship incident to which the commenter refers, the investigation of that incident found that there was no indication of any criminal action. Indeed, there are no confirmed cases of such illegal discharges from cruise ships in San Francisco Bay. It should be noted that for analytical purposes, the Planning Department presumes that laws that are in place are adhered to and are part of the proposed project. Therefore, no additional mitigation is provided to address issues covered by an existing law or regulation. If the lack of enforcement of a law would potentially result in an identified adverse environmental effect not adequately being mitigated, then better enforcement of the law is required and not the creation of a new separate mitigation measure that supersedes the law.

L-2) Acknowledging the significant effects that could occur and that existing regulations would likely not be adequate to address those effects, the DSEIR includes Mitigation Measure D.1. As mentioned in the response to Comment L-1, the DSEIR has been revised to strengthen the existing mitigation measure and to add a new measure, which together better address the potential for ship-related discharges to the Bay. These mitigation measures are an effort, within the purview of this project and the City's jurisdiction, to minimize discharges by cruise ships in San Francisco Bay.

Also, please see the responses to Comments D-3 and D-8.

L-3) The measure to which the commenter refers is Improvement Measure D.2. Comment noted.

L-4) Tributyltin (TBT) is an anti-fouling paint that was banned for commercial use by the U.S. Environmental Protection Agency in 1987. In 2002, only one cruise ship built before 1987, the American Independence, which was built in 1950, will berth at the current San Francisco cruise terminal. In 2003, two additional ships, built prior to 1987, are scheduled to visit the Port. Assuming ratification by at least 25 countries, the United Nation's International Maritime Organization will mandate that shipping companies have until 2003 to stop using TBT and an additional five years to cover existing TBT paint on ship hulls. As such, even with an increase in the number of cruise calls that would occur as a result of the proposed project, because of the limited number of ships that use TBT and because by 2008 it is likely that no ships will be using it, this issue is not expected to be a potential threat to Bay water quality.

In addition, water quality impacts associated with the use of TBT for boat cleaning and maintenance are discussed in the Waterfront Plan FEIR (page 586) in a qualitative manner. That EIR determined that on a program level, water quality impacts associated with shipping and boating activities would be less than significant, assuming compliance with water quality regulations. Based on the same assumption, similar impacts associated with the proposed project would also be considered less than significant.

L-5) Please see the response to Comment D-6. In addition, with regard to the State Lands Commission, please see the responses provided for Letter D, which was submitted by the State Lands Commission.

L-6) To clarify that Assembly Bill 2746 has already been adopted, please see Section E, Staff-Initiated Text Changes for the appropriate revision to the DSEIR. As the findings of the task force will not be available until a future date, it would be speculative to try to include them in this document. The City and Port will continue to meet and enforce all applicable rules and regulations that apply.

L-7) Please see the responses to Comments I-1 and I-2.

L-8) The commenter is correct in noting that large cruise ships will be exempt from the new EPA standards that will take effect in 2004-2007. Therefore, the DSEIR's cruise ship air emissions analysis applied current emission factors to future ship activity and did not assume any reductions in future years related to the new standards. To clarify the DSEIR's discussion of this matter,

please see Section E, Staff-Initiated Text Changes for a revision to page 120 of the DSEIR. Also see Section E for three new mitigation measures that would minimize other aspects of air pollutant emissions associated with the proposed project.

L-9) Due to their winter migration pattern to and from Alaska, gray whales are generally present in the Bay during the months of December through May (Federal Register, November 26, 2001 Volume 66, Number 227). As the cruise season occurs in the months of May through October, there would be at most one month (May) during which both cruise ships and whales would be expected in the Bay. In addition, as explained in the response to Comment D-4, based on data provided by the United States Coast Guard Vessel Traffic Service in San Francisco, in 2001 there were a total of 70,738 intra-Bay vessel trips that transited through central San Francisco Bay (this number does not include the additional 8,628 vessel trips that were to or from destinations outside of the Bay). The number of cruise vessels estimated to visit the Port of San Francisco is 69 in 2004 and 107 by 2020. Even assuming that all of these vessel calls would represent new trips within the Bay, these trips would represent less than one-fifth of one percent (.2 percent) of the total vessel trips in the Bay. As such, the increase in the potential for whale strikes resulting from the additional vessel trips associated with the Cruise Terminal project would be considered negligible and therefore a less than significant impact.

L-10) The DSEIR addresses this issue on page 109, where it states: "Hazardous waste discharges associated with cleaning materials, paint, chemicals and solvents used in on-board activities such as dry cleaning and photo processing may be regulated under the Resource Conservation and Recovery Act, although the applicability to vessels is not clearly defined. Currently, the standard cruise ship procedures include no discharge of these substances to the Bay, and no changes to this procedure would occur under the proposed project." In addition, the DSEIR includes Mitigation Measure D.1, which states in part that "The project sponsor shall initiate and maintain a program designed to prevent cruise ships at the proposed cruise terminal from releasing incidental or intentional discharges to San Francisco Bay. The types of prohibited discharges would include sewage, gray water, hazardous waste, ballast water, solid waste, and fuel or oil-related substances." As such, this issue has been addressed in the DSEIR and no further analysis is required.

It should be noted, however, that the Port will encourage the U.S. Coast Guard to implement its on-board hazardous waste stream checklist as part of its inspections of cruise ships. Improvement Measure D.1, included in the DSEIR on page 173 and revised in Section E, Staff-Initiated Text Changes, includes maintaining the San Francisco Oil Spill Prevention and Response Plan and encourages the Port to require the cruise terminal operator to develop a site-specific plan to address such spills. In addition, as noted in the response to Comment L-1, Mitigation Measure D.1 has been revised to better address potential cruise ship releases of incidental or intentional non-ballast water discharges, including hazardous waste, to the Bay. Please see Section E, Staff-Initiated Text Changes for these revisions to the DSEIR. Further, the new cruise terminal would have a disposal contract in place to provide disposal services to ships which dock there.

L-11) To clarify, the DSEIR does not state that the projected growth in cruise ship calls from approximately 40 at present to 69 in 2004 and to 107 by 2020 would likely occur in the no-project

scenario. The DSEIR does state that some or all of the projected increase in ship calls from 40 to 69 may occur without implementation of the Cruise Terminal project, but that the projected increase from 69 to 107 calls would occur only with implementation of the project.

On page 183 of the DSEIR, the description of the impacts of the No Project Alternative includes the statement that "Under this alternative, some or all of the expected increase from 40 to 69 in ship calls would likely still occur at Pier 35, thereby resulting in related increases in vehicle trip generation, parking and loading demand, transit use, and pedestrian and bicycle traffic." According to the Port of San Francisco, a co-sponsor of the Cruise Terminal project, this estimate of the increase in cruise ship calls is based on the report *Market Research for James R Herman Cruise Terminal, California, USA*, G.P. Wild (International) Limited and Larry Dessler Associates, May, 2000. The Cruise Terminal project description (page 7 of the DSEIR) states that "The proposed facility would be expected to serve about 69 calls (approximately 80,000 distinct passengers) in its first year of proposed operation in 2004, steadily increasing to as many as 107 calls (approximately 145,000 distinct passengers) by the year 2020." This statement is also correct and does not contradict the assumption that the number of ship calls may increase to as many as 69 calls in 2004, even if the proposed Cruise Terminal project is not built.

Also, see the response to Comment A-3.

STATE OF CALIFORNIA GRAY DAVIS, *Governor*

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January 15, 2002

Mr. Richard Cooper
San Francisco Planning Department
1660 Mission Street, Fifth Floor
San Francisco, California 94103

**SUBJECT:** Draft Environmental Impact Report for the San Francisco Cruise Terminal Mixed Use Project and Brannan Street Wharf Project; State Clearinghouse No. 1994123007;Pre-Application Project (BCDC Inquiry File No. SF.MC.7812.1)

Dear Mr. Cooper:

On November 20, 2001, the San Francisco Bay Conservation and Development Commission (Commission) staff received the Draft Supplemental Environmental Impact Report (DSEIR) for the San Francisco Cruise Terminal Mixed Use Project and Brannan Street Wharf Project. The Commission staff has reviewed the DSEIR and is submitting its comments regarding the document. Although the Commission itself has not reviewed the DSEIR, the staff comments are based on the McAteer-Petris Act, the Commission's *San Francisco Bay Plan* (Bay Plan), the Commission's federally-approved management plan for the San Francisco Bay, the *San Francisco Waterfront Special Area Plan* (Special Area Plan), State Legislation on the Public Trust (Assembly Bill 1389), and the federal Coastal Zone Management Act. The comments outlined below address both the Brannan Street Wharf Project and the Pier 30-32 component of the Cruise Terminal Mixed Use Project. The proposed residential development on Seawall Lot 330 (included in the DSEIR as the second component of the Cruise Terminal Mixed Use Project) has not been reviewed by the Commission staff because it is located outside of the Commission's jurisdiction. 1

**Project Description**

According to the DSEIR, the Cruise Terminal Mixed Use Project, located on Pier 30-32 south of the Bay Bridge along The Embarcadero between Bryant and Brannan Streets, would involve: (1) reconfiguring and upgrading the Pier 30-32 structure; (2) constructing a two-level, 100,000-gross-square-foot, 46- to 88-foot-tall cruise ship terminal at the northeastern corner of the pier; (3) constructing two berths for cruise ships, one 850 feet long along the pier's northern edge and one 1,000 feet long along the pier's eastern edge; (4) constructing seven, two- to three-story-high buildings that would contain a total of 370,000 gross square feet of office space (325,000 net square feet)[1] on the second and third levels and contain a total of 220,000 gross square feet of

[1] Twenty-five thousand (25,000) net square feet of office space (28,500 gross square feet) would be converted to uses consistent with the public trust within 14 years, consistent with the requirements of Assembly Bill 1389.

retail/entertainment space on the first levels of the buildings; (5) installing a 450-space parking garage with tourist bus parking bays, taxi queuing area, and access driveways; (6) constructing four excursion berths for ferries and other pleasure boats on the southeast end of the pier; and (7) constructing and maintaining open space, including plazas, terraces, pier aprons, and a south facing lagoon.

The Brannan Street Wharf Project is described as an approximately 57,000-square-foot public, open space 95 feet wide and running 600 linear feet parallel to The Embarcadero and bayward of Herb Caen Way and The Embarcadero. The DSEIR states that the following work would be involved: (1) removing the 91,845-square-foot Pier 36; (2) removing approximately 10,000 square feet of marginal wharf located between the southern edges of Pier 30-32 and Pier 38; (3) repairing approximately 15,000 square feet of marginal wharf; and (4) constructing 45,000 square feet of new, pile-supported wharf.

**Jurisdiction**

This project would involve work within the Commission's "bay" and "100-foot shoreline band" jurisdiction. Commission permits are required for construction, dredging, fill placement, change in use, and dredged material disposal within its area of jurisdiction. Permits are issued if the Commission finds the activities are consistent with the McAteer-Petris Act and the policies and findings of the Bay Plan. In addition to any needed permits under its state authority, federal actions, permits, and grants that affect the Commission's jurisdiction are subject to consistency review by the Commission, pursuant to the federal Coastal Zone Management Act, for their consistency with the Commission's federally-approved management program for the Bay. 1 Cont.

The DSEIR correctly states that a Commission permit would be needed to implement those aspects of the proposed projects involving fill in the Bay, change in use, dredging, and construction within the 100-foot shoreline band. Commission authorization would be necessary to implement the following activities associated with the proposed projects: (1) reconfiguring and upgrading Pier 30-32; (2) constructing cruise ship and excursion berths at Pier 30-32; (3) developing all buildings and public access on Pier 30-32; (4) conducting all new and maintenance dredging; (5) removing Pier 36 for the Brannan Street Wharf; (6) removing and reconstructing the marginal wharf for the Brannan Street Wharf; and (7) constructing new, pile-supported fill for the Brannan Street Wharf. As noted above, the residential development proposed on Seawall Lot 330 is located outside of the Commission's jurisdiction.

**Public Access**

1. *Cruise Terminal Mixed Use Project*

    a. **Maximum Feasible Public Access.** Both the Bay Plan and the Special Area Plan outline the quantity and quality of public access that should be provided with a development project. The Bay Plan Policies on Public Access, in part, state: "[i]n addition to the public access to the Bay provided by waterfront parks, beaches, marinas, and fishing piers, maximum feasible access to and along the waterfront and on any permitted fills should be provided in and through every new development in the Bay or on the shoreline....Whenever public access to the Bay is provided as a condition of development, on fill or on the shoreline, the access should be permanently guaranteed....Public access 2

improvements provided as a condition of any approval should be consistent with the project and the physical environment, including protection of natural resources, and provide for the public's safety and convenience...."

The Special Area Plan, states, in part, that "[f]or a major development project occupying all or most of a pier(s), a project that provides 35% of the project pier area for public access should be deemed to provide maximum feasible public access." In addition, it states that "[l]arge piers should have a higher proportion of their area devoted to public access and open space than Finger Piers" and provide public access on pier perimeters, including significant parks or plazas, as well as additional small parks integrated into the perimeter, and significant view corridors (Policy Number 6, "Public Access Policies").

The Commission's staff and Design Review Board (Board) have reviewed the project and have concluded that significant modifications to the proposed public access would be necessary for the project to be consistent with the public access policies of the Special Area Plan and the Port of San Francisco's Waterfront Design and Access Element. The FSEIR should outline more clearly the quantity and quality of public access that would be provided with the Cruise Terminal Mixed Use Project. On page six of the DSEIR, Table One states that 300,000 square feet of public open space would be provided with the Cruise Terminal Mixed Use Project, including plazas, green areas, and an open water lagoon. On page 15 of the DSEIR, the public access amenities are outlined briefly. However, the FSEIR should provide the following, more detailed, information on public access: (1) the approximate square footage of each type of public access area provided (e.g., plazas and access ways); (2) the appropriate square footage of access areas at ground level, first level, etc.; and (3) the calculations for achieving 35 percent public access on the pier once it is reconfigured. Please note that public circulation areas that function primarily as access/egress for businesses located on the pier and/or are visually remote from the Bay should not be included in the calculations of the project's public access. In addition, the parking garage creates inflexibility in the site plan and the grade change required by the garage separates substantial portions of the public circulation areas from the pier apron level. Therefore, it is likely that significant portions of these areas would not provide public access to the Bay. Finally, please note that the Commission's definition of public access does not include open water areas. Instead, open water areas are required to be guaranteed as open space through a legal instrument separate from that required for public access. 2 Cont.

The Special Area Plan also outlines specific qualities that should be contained in public access areas. Therefore, the location and design of the public access proposed are as significant as the proposed quantity. Some of the proposed public access areas are located within the interior of the development and may not provide a close connection to the Bay. In addition, careful analysis should be given to covered, interior, and elevated public access spaces. Note that the Special Area Plan states that public access should be at ground level, unless the design of the area would be enhanced by elevation, that the public access areas should generally be open to the sky, and that any interior public access should provide new opportunities to view the Bay, connections to outdoor public access, and design features that clearly indicate the area is public. Covered public circulation areas that support structures (e.g., parking or other uses) would not 3

contribute to the project's public access. Finally, as the DSEIR notes, sun, shade, and wind conditions at the site would affect the quality of experience at public access areas. However, the DSEIR does not draw any conclusions on the best areas for public access based on sun, shade, and wind conditions. We recommend that several significant public access areas and amenities be located on the warmer, south side of the site, which would also not be impacted by closure during cruise ship berthing. In addition, on page 146 of the DSEIR, it is noted that two locations on the southeast side of Pier 30-32 would not meet the City of San Francisco's Planning Code pedestrian-comfort wind criterion value of 11 mph. Please examine the building design to improve wind conditions in this area to enhance pedestrian comfort. 3 Cont.

The Special Area Plan notes the importance of "perimeter public access along the platform edge...[Policy Number 6, General Policies]." The Special Area Plan also acknowledges that some public access areas may need to be temporarily closed from time to time, if incompatible uses arise. The Plan states, in part, that "[i]n those instances where maritime use projects create public safety concerns, public access may be restricted or not required. When ship loading and service areas temporarily preclude complete perimeter access for the period of time of the use, due to legitimate safety concerns, such areas should be reopened to public access when the conflict is not present...[Policy Number 8, Public Access Policies]." The FSEIR should identify the areas on the perimeter apron available to the public while one to two ships are berthed at the site. A secondary circulation system for public access users should be provided as an alternative route when the perimeter of the pier is closed. Page 64 of the DSEIR states that by the year 2020, approximately 85 days per year one or more ships would be in port during the cruise season (May through October). This represents a large portion of the year that perimeter access may ultimately be unavailable, so the secondary circulation system must be generous, obvious, and attractive. 4

In addition, the FSEIR should similarly address the impacts of off-season use of the cruise terminal and the pier perimeter for special events in public access areas. We believe the Commission will likely require little or no use of the public access areas for non-cruise day special events (e.g., supply trucks on the perimeter apron or other blockage of public access areas). 5

The public's safety while crossing the project driveway is extremely important in providing a usable and quality connection to the public access provided. The Special Area Plan states "[p]arking on piers will be planned to minimize adverse impacts on public access through such measures as avoiding queuing that extends over Herb Caen Way or other public access areas; limiting vehicle access on pier aprons to maintenance, service and emergency vehicles; and using special paving, signing and other design treatments at crosswalks and other pedestrian-vehicle interfaces to identify the joint use and ensure a pedestrian-friendly environment (Policy Number 3-a, Transportation and Parking). We strongly support mitigation measures C-9 and C-10 on page 171 of the DSEIR that would result in designing the Pier 30-32 driveway to allow for a signal controlled pedestrian crossing or installing pedestrian signals at the project driveway on the promenade, as well as requiring similar measures along The Embarcadero at Bryant and Brannan Streets. We also believe that mechanisms need to be in place to prevent queuing of vehicles across Herb Caen Way, which 6

may mean stalling vehicles on The Embarcadero. Similarly, although the DSEIR states on page 93 that sidewalk protection would be provided next to the Pier 30-32 during construction, it does not explain how pedestrians and bicyclists would be protected and/or warned of the heavy truck traffic expected during construction. The SEIR should provide further information on how access would be maintained on Herb Caen Way during construction. 6 Cont.

The FSEIR should also evaluate the quality and quantity of the pedestrian and bicycle experience at this intersection using pedestrian Level of Service (LOS) criteria. The FSEIR should also explore whether pedestrian access to the pier apron could be provided without interruption from vehicular traffic. In addition, the FSEIR should discuss the effects the project would have on existing public access required by the Commission in this area. The Commission issued Permit No. 8-90, as amended, to the City and County of San Francisco and the San Francisco Port Commission that requires shoreline public access in the project area. Portions of this permitted project may be adversely impacted by the proposed project. For example, the design of the "Art Ribbon" creates a pedestrian barrier at Pier 30-32 and may need to be altered to improve pedestrian and bicycle circulation. 7

b. **Appearance, Design, and Scenic Views.** The Appearance, Design, and Scenic Views policies of the Bay Plan state, in part, that "[t]o enhance the visual quality of development around the Bay and to take maximum advantage of the attractive setting it provides, the shores of the Bay should be developed in accordance with the Public Access Design Guidelines [copy enclosed]." In addition, these policies state that "[a]ll bayfront development should be designed to enhance the pleasure of the user or viewer of the Bay. Maximum efforts should be made to provide, enhance, or preserve views of the Bay and shoreline, especially from public areas, from the Bay itself, and from the opposite shore...[and]...the Commission's Design Review Board...should review, evaluate, and advise the Commission...." The Special Area Plan states that "[d]evelopment should take advantage of its location on the Bay and reflect and recognize the unique identity of the waterfront districts established by street pattern, building scale, materials, landscaping, land uses and public access areas." In addition, it states that developments should be encouraged to use the Bay as a design asset, resulting in the construction of transparent buildings and similar design features, low scale building height and bulk. It also states, in part, that "[s]ufficient building service (e.g. trash, or storage) and loading space for delivery and service vehicles should be provided without detracting from the building design or the design of adjoining public access areas...." Finally, the Special Area Plan states, in part, that "[g]eneral advertising in any public spaces or attached to any buildings should be prohibited...[Policy Number 1, Waterfront Design]." 8

On April 9, 2001 the Commission's Board reviewed the project and had the following comments. The Board asked that the project be shown within the context of the surrounding landmarks such as the Bay Bridge towers, the Bay Bridge center anchorage, the Bay Bridge west anchorage and Yerba Buena Island. The Board agreed that the development should provide the public with the opportunity to see cruise ships at berth wherever possible, and that the massing of the buildings should be done in a manner that offers glimpses of, and view corridors towards, the ships. The Board recommended that the stairs

leading to the upper level terrace should be as "ethereal as possible" so that one can see through it. The Board agreed that the walkways on the exterior of the project were too narrow. The south side of the pier and the east side of the pier were highlighted as areas where the exterior public open spaces should be greater. The Board discussed the long views through the project and suggested that the visual access to the Bay and surrounding landmarks should be maximized.

The Commission staff has also identified additional aspects of the project's design that impact views and that should be examined in the FSEIR. The project, as proposed, would create a "wall" along The Embarcadero with little access from The Embarcadero side. The DSEIR states that the building face along The Embarcadero would be approximately 46 feet tall. As stated by the Board, a more specific presence of the cruise terminal operations, even from The Embarcadero, should be reflected in the project design. Further, the DSEIR outlines the impacts the Cruise Terminal Mixed Use Project would have on views to the Bay. On page 61, the DSEIR notes that "[f]rom street level, particularly looking northeast from Brannan Street, views of the East Bay Hills, the Bay Bridge, Yerba Buena Island, and the Port of Oakland would be obstructed...on days when one or more cruise ships would be in port, the view obstruction would be increased, as cruise ships can rise in height to over 190 feet." The DSEIR also notes very similar view impacts to the north and south, "[d]evelopment on Pier 30-32 would also disrupt existing views of the waterfront, but would do so only from limited public vantage points, primarily from portions of The Embarcadero just north and south of Pier 30-32." The DSEIR concludes that some portions of the proposed public access may actually improve views by providing elevated and/or different perspectives for viewing. The FSEIR should provide further information on where these viewing locations should be located, and how they should be designed to maximize views of the Bay, of cruise terminal operations, and to function as public plazas or open space. 8 Cont.

2. *Brannan Street Wharf Project*

   a. The Special Area Plan states, "[c]reate "Brannan Street Wharf", a major waterfront park in the area of Piers 34 and 36, to serve the South Beach neighborhood, San Francisco and the region. The park should be a minimum of 57,000 square feet in size extending at least 600 feet along The Embarcadero, Bayward of and not including Herb Caen Way. Brannan Street Park should reflect the character and needs of the South Beach neighborhood and visitors to the area, should establish a unique activity center, should provide a respite between the adjacent, more intensively developed areas, and should accommodate a variety of passive recreational activities and serve as both a local and regional destination." 9

   Pages S-2, 24 and 192-3 of the DSEIR incorrectly state that the wharf would be "95 feet wide...." In addition, on page 192 of the DESIR, the reduced fill alternative incorrectly states that the pier would be "60 feet wide." The Pier has no set dimensions and Commission staff believe that none should be stated in the DSEIR. Only an approximate fill amount of 57,000 square feet and a net fill

reduction requirement of approximately 140,000 square feet have clearly been outlined in the Special Area Plan. The 57,000 square feet should be measured from the bayward edge of the marginal wharf. The FSEIR should include graphics that depict this analysis. Finally, on page 24 the DSEIR incorrectly states that the Brannan Street Wharf project would require construction of 45,000 square feet of new pile-supported wharf area. The amount could be as high as 75,000 square feet, if all of the marginal wharf must be removed and replaced. 9 Cont.

The Commission also issued Permit No. 5-96 for a marina at Pier 38 adjacent to the project site. The FSEIR should evaluate how the project would affect public views and shading at these required public access areas. 10

Page 25 of the DSEIR outlines the public access amenities likely to be provided at the Brannan Street Wharf. Since the DSEIR was written, however, the community design process has been initiated. The FSEIR should briefly describe these meetings and any decisions that have been made affecting the design. Similar to the proposed Cruise Terminal Mixed Use Project, the Brannan Street Wharf Project, once its design is further developed, will be analyzed by the Commission staff to determine it consistency with the Bay and Special Area Plans. Staff has already identified one design aspect that should be examined closely, however. Page 146 of the DSEIR notes that the cruise terminal project would increase wind speeds in two public access locations of the Brannan Street Wharf. The cruise terminal should be designed to improve wind performance in this area. 11

**Bay Fill Policies**

The Commission may only allow fill for uses consistent with the McAteer-Petris Act and the Bay Plan. The placement of fill in the Bay may be authorized when it meets the fill requirements identified in Section 66605 of the McAteer-Petris Act, which states, in part, that: (1) the public benefits of fill must exceed the public detriment from the loss of water areas; (2) no alternative upland location is available; (3) the proposed fill is the minimum necessary to achieve the purpose of the fill; (4) the nature, location, and extent of any fill must minimize harmful effects to the Bay Area; (5) the fill be constructed in accordance with sound safety standards; and (6) fill should establish a permanent shoreline. The Bay Plan states that, among other things, fill may be approved for port, water-related recreation, and public access. 12

The Special Area Plan states that "[a]t Pier 32, new pile-supported fill for public access, limited Bay-oriented commercial recreation and Bay-oriented public assembly [may be authorized], provided that the new pile-supported fill is offset by removal of an equivalent amount of pile-supported fill elsewhere on Pier 32, and the new pile-supported fill will not adversely affect the public qualities of the Open Water Basin." (Northeastern Waterfront, Open Water Basins, Policy 3). This policy further states that limited new pile-supported fill for public access may be authorized if public access on the existing pier is in excess of 35 percent of the existing pier area and provided that the fill is only for public access, improves the qualities of the Open Water Basin, and is the minimum fill necessary to improve these qualities.

The DSEIR states on page 39 that "[w]hile the two projects [the Cruise Terminal Mixed Use and Brannan Street Wharf] would each result in a limited amount of new fill related to the extension of the Pier 30-32 apron for the eastern cruise berth and creation of the Brannan Street Wharf, each project would result in a net decrease of Bay fill." The DSEIR does not explain the approximate square footages of fill that would be removed and added at Pier 30-32. The FSEIR should clearly identify the square footage and location of fill removed and subsequently constructed at Pier 30-32. In addition, the FSEIR should discuss how any new fill would impact the open water basin. In addition, the FSEIR should discuss the fill impacts associated with different project alternatives. For example, page 182 of the DSEIR discusses an alternative cruise terminal design with only one cruise ship berth. The FSEIR should discuss if this alternative would change the amount of fill required to construct the cruise terminal. The FSEIR should also explain in greater detail why two berths are required to have a "modern cruise terminal". The eastern berth, parallel to the shoreline, appears to be the preferred berth and the northern berth would be used in conjunction with it only five to ten times per year. Staff will need to explain to the Commission why both berths are required if only constructing one berth would result in significantly less Bay fill. 12 Cont

The DSEIR incorrectly states that no net fill would result from the Brannan Street Wharf Project. As stated earlier, the Special Area Plan states, in part, that "[p]ier removal and park construction should result in a net fill reduction of approximately 140,000 square feet." The fill analysis of the Brannan Street Wharf is confusing and it is unclear how the reduced fill alternative could be achieved. Page 193 of the DSEIR states that this alternative would result in 10,000 square feet less fill than the proposed alternative but result in the same benefits through a different configuration. Significant repair of the marginal wharf would be considered fill because the repair would extend the life of the structure. The FSEIR should more clearly outline the possible project alternatives and their associated Bay fill amounts for the Brannan Street Wharf. 13

The Commission also has policies that address the safety of fill projects to ensure developments protect public safety during seismic events. The Commission's Engineering Criteria Review Board would likely review both the Cruise Terminal Mixed Use Project and the Brannan Street Wharf Project to determine their structural stability. 14

**Public Trust**

The FSEIR should include an analysis outlining the projects' consistency with Assembly Bill 1389. In particular, the final document should describe how the uses of the Pier 30-32 project would be consistent with those allowed in the Bill, the Special Area Plan, and the Waterfront Land Use Plan. On page 41, the DSEIR states that "[a] final determination of trust consistency...would be made by the Port Commission, in consultation with BCDC and the State Lands Commission." The Commission is required to make its own determination of consistency with the Public Trust pursuant to its authority under the McAteer-Petris Act, the Bay Plan, and the Special Area Plan. 15

**Dredging**

The Bay Plan dredging policies state, in part, that "[d]redging and dredged material disposal should be conducted in an environmentally and economically sound manner. Dredgers should reduce disposal in the Bay over time to achieve the LTMS goal of limiting in-Bay disposal volumes to a maximum of one million cubic yards per year....Dredging should be authorized when the Commission can find: (a) the applicant has demonstrated that the dredging is needed to serve a water-oriented use or other important public purpose; (b) the materials to be dredged meet the water quality requirements of the San Francisco Bay Regional Water Quality Control Board; (c) 16

important fisheries and Bay natural resources would be protected through seasonal restrictions established by the California Department of Fish and Game, the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service, or through other appropriate measures; (d) the siting and design of the project will result in the minimum dredging volume necessary for the project; and (e) the materials would be disposed of in accordance with Policy 3." Dredging policy 3 states, in part, that "[d]redged materials should, if feasible, be reused or disposed outside the Commission's Bay and certain waterway jurisdictions. Except when reused in an approved fill project, dredged material should not be disposed in the Commission's Bay and certain waterway jurisdiction unless disposal outside these areas is infeasible...."

The DSEIR states that an initial construction dredging of approximately 166,500 cubic yards is required to reach the targeted depth of –35 feet mean lower low water (MLLW). The FSEIR should provide information on the current bathymmetry at the site. The DSEIR states that BCDC Permit No. 2-97 authorizes dredging on the north side of the Pier 30. However, the permit would need to be amended to dredge on the east side of the pier. In addition, the DSEIR should address whether the future design of cruise ships is likely to result in the need to dredge Pier 30-32 to depths greater than –35 feet MLLW. 16 Cont.

After initial construction dredging is completed, the DSEIR indicates that approximately 20,000 to 25,000 cubic yards of maintenance dredging would be required each year at Pier 30-32. However, it is unclear whether this volume would need to be added to the already authorized cubic yardage allowed over a five year period in BCDC Permit No. 2-97. The DSEIR seems to indicate that the maintenance volume required by the Port of San Francisco would not increase by stating that this maintenance dredging "would represent a negligible change from existing practices at the Port for dredging and disposal of dredge materials...."

### Water Quality

The Bay Plan Policy on Water Quality No. 2, in part, states: "[w]ater quality in all parts of the Bay should be sufficiently high to permit water contact sports and to provide a suitable habitat for all indigenous and desirable forms of aquatic life....[T]he entire Bay Plan is founded on the belief that water quality in San Francisco Bay can and will be maintained at levels sufficiently high to permit full public enjoyment and use of the Bay." In addition, the Bay Plan states, in part, that "[t]he policies, recommendations, decisions, advice, and authority of the State Water Resources Control Board should be the basis for carrying out the Commission's water quality responsibilities." Water Quality Policy No. 4 states, in part, that "[p]olluted runoff from projects should be controlled by the use of best management practices in order to protect the water quality and beneficial uses of the Bay...."

The control of invasive species and their impacts upon the Bay continues to be of serious concern to the Commission. The DSEIR states that "cruise ships do not typically discharge ballast water due to the relatively light load that passengers and stores represent as a proportion of the total load on these vessels". However, the Commission will likely require additional information on ballast water discharge. Note that in the past, the Commission has required permittees to not only abide by the Ballast Water Management for Control of Non-indigenous Species Act (Assembly Bill 703), but also aid in the coordination and funding of other efforts to reduce impacts from ballast water. Examples of these efforts have included: (1) supporting the adoption of the International Maritime Organization's (MARPOL) regulations, that will make mandatory the use of existing voluntary guidelines to minimize in-port discharge of ballast water; (2) supporting the adoption of national mandatory ballast water management regulations to reduce the risk of invasive species introduction on a national level through support and comment letters; (3) supporting an educational outreach program sponsored by the National Sea Grant College Program to inform 17

vessel operators; and (4) cooperating with the Regional Water Quality Control Board in sponsoring a workshop to determine how to develop a comprehensive strategy for the ballast water component of the invasive species issue in the Bay. 17

The DSEIR also notes the USEPA's current efforts to assess the impacts of cruise ship discharges of waste water. Further information on this analysis, once available, will likely be required to determine appropriate mitigation measures to protect water quality. Cont.

Finally, mitigation measure D-2 for operational water quality should be edited to add that the cruise terminal would likely qualify as a marine facility and thus be regulated by the Office of Oil Spill Prevention and Response. As a marine facility, the cruise terminal would be required to have an oil spill contingency plan. Please contact the Office of Oil Spill Prevention and Response to ensure that the proposed cruise ship facility would meet all requirements. To prevent and address adverse water quality impacts as a result of any navigational accidents, the cruise terminal facility should also coordinate with the Harbor Safety Committee of the San Francisco Bay Region. 18

Thank you for the opportunity to comment on the DEIR. We request that the final document be amended to include the information requested. The Commission will need this information to consider a permit application for the proposed project. Should you have any questions, please feel free to contact me at (415) 352-3618.

Sincerely,

ANDREA M. GAUT
Coastal Program Analyst

AMG/mm

cc: Katie Shulte Joung; California State Clearinghouse

## LETTER M – ANDREA M. GAUT, BAY CONSERVATION DEVELOPMENT COMMISSION

M-1) Comment noted. All BCDC permitting and procedures would be complied with.

M-2) As noted in the commenter's letter, the project sponsor has presented the preliminary design of the Pier 30-32 portion of the Cruise Terminal project to the San Francisco Bay Conservation and Development Commission's (BCDC) staff and Design Review Board. As these designs are preliminary and would be subject to revision before and during the approval process, it is not possible to provide accurate information on the size and locations of public access areas. This information would, however, be provided as part of the permit application materials provided to BCDC once a Final SEIR for the proposed project is certified and local discretionary permits obtained.

Please also note that the newly-added Reduced Building Height Alternative, which is described in Section E, Staff-Initiated Text Changes, on page 134, would include a substantial redesign of the Pier 30-32 portion of the proposed project. As described, this alternative design would include several of the requested modifications identified by the commenter.

M-3) Comments regarding design, wind, and shadow are noted. See response to Comment M-2.

M-4) Comments regarding alternative public access areas are noted. See response to Comment M-2.

M-5) Concerns regarding the potential restrictions on the use of public access areas for special events are noted. As described above, the preliminary design of the Cruise Terminal project will likely change substantially, thus it would be speculative to evaluate the potential use of public access areas during non-cruise events at this time. However, the project sponsor and the project's tenants would be required to comply with all conditions placed by BCDC and other decision-making bodies on the implementation and use of the proposed facility.

M-6) As stated on page 93 of the DSEIR, traffic impacts during construction would be temporary in nature and thus would not be considered significant. While the details of measures to protect pedestrians during construction are not available, the project sponsor would be required to implement any such measures in consultation with the Department of Parking and Traffic and would otherwise be subject to restrictions imposed by decisionmaking bodies, including BCDC.

M-7) For information regarding pedestrian volumes, safety and proposed mitigation/improvement measures, see responses to Comments C-9 and W-1. Per the commenter's request, BCDC Permit No. 8-90, as amended, was examined and it does not appear that there would be conflicts between public access required as a condition of the permit and the proposed project. However, the project sponsor continues to work on the design of the proposed project with BCDC staff in order to reduce pedestrian conflicts and to improve the public access experience adjacent to and within the project site.

M-8) The policies and specific design concerns cited by the commenter are noted. As stated in the response to Comment M-2 above, the Reduced Building Height Alternative includes changes to the design of the Pier 30-32 portion of the project which respond to the several design issues raised by the commenter. The project sponsor continues to work with the staff of BCDC on the project's design to ensure consistency with all applicable policies of the Bay Plan, the San Francisco Waterfront Special Area Plan, all other applicable laws and policies, and with the advice of BCDC's Design Review Board. At such time that the Final SEIR is certified and local discretionary permits obtained, the Design Review Board and BCDC would be provided with the requested information for their evaluation of the proposed project, as revised through the local approval process.

M-9) As explained in the Introduction to the DSEIR, the proposed Brannan Street Wharf project has been included in the DSEIR due to its proximity and close connection to the Cruise Terminal project. As noted on page 25 of the DSEIR, the specific design of the Brannan Street Wharf would be determined through a community design process that is currently underway. The quantification of fill amounts was based on the design presented for environmental evaluation purposes and thus will likely change.

M-10) As shown in Figures 31 through 34 (pages 136 through 139) of the DSEIR, the proposed project would not create new shadows in the location of Pier 38.

M-11) Comment noted.

M-12) Comment noted. See response to Comment M-2. Information regarding the amount of fill proposed to be removed and new fill to be placed would be provided as part of the application once the Final SEIR is certified and local discretionary permits obtained.

M-13) Comment noted.

M-14) Comment noted. The proposed project has been presented to BCDC's Engineering Criteria Review Board and would meet all applicable seismic safety requirements.

M-15) A discussion of Assembly Bill 1389 is provided in the Land Use, Plans, and Policies section of the DSEIR (page 41). As discussed in the response to Comment A-7, assessment of the project's consistency with relevant planning policies would be determined by the Planning Commission as part of the project approval process. As such, determinations regarding the project's degree of consistency with relevant policies are not provided in the DSEIR, as they are not CEQA issues.

M-16) Comment noted. The Port of San Francisco believes that the proposed dredging could be accommodated under its existing maintenance dredging permit, BCDC Permit No. 2-97. However, at such time that it is determined that the existing volume of material now approved under the permit is not adequate, the Port would be required to apply to amend its permit to allow the additional dredging.

M-17) Comment noted. Please see responses to Comments D-1, D-3 and D-6. The final design for the Brannan Street Wharf will be reviewed by BCDC as part of its permit process. The evaluation in the DSEIR covered the expected environmental impacts of the conceptual design. Changes to the design would be subject to further review, if necessary.

M-18) The commenter is correct in noting that the proposed cruise terminal would be a marine facility and thus would be regulated by the Office of Oil Spill Prevention and Response, an office under the jurisdiction of the California Department of Fish and Game. This jurisdiction is acknowledged on page 108 of the DSEIR, where the following is stated:

> In addition to the U.S. Coast Guard regulations and licensing requirements for fuel barges, fuel spills to the Bay are regulated under provisions of the federal Oil Pollution Act and the California Oil Spill Response Act. Enforcement of these provisions is under the jurisdiction of the U.S. Coast Guard and the California Department of Fish and Game, with notification required to the RWQCB and the USEPA.

Pages 108-109 of the DSEIR state that the Port maintains an Oil Spill Prevention and Response Plan (OSPRP) and that Improvement Measure D.2 has been provided that recommends that the Port require the cruise terminal operator to develop a site-specific OSPRP to supplement the existing Port-wide OSPRP.

The comment regarding coordination with the Harbor Safety Committee is noted.

# SECTION D
## PUBLIC HEARING COMMENTS AND RESPONSES

This chapter contains a transcript of the comments made at the public hearing on the DSEIR and the responses to each of those comments. Each substantive comment on the DSEIR is labeled with a number in the margin and the response to each comment is presented following the commenter's remarks. For purposes of sequential reference with the written comments, these comments are designated as though they were contained in comment letters. Therefore, comments from the first speaker at the public hearing are answered in responses N-1, N-2, etc., from the second commenter, in responses O-1, O-2, and so on. Where responses have resulted in changes to the text of the DSEIR, these changes will also appear in the Final SEIR.

Public Hearing Comments - Schyleen Qualls Brown

Good evening. My name is Schyleen Qualls Brown and my husband and I own a condominium in Portside II at 403 Main Street which has a great view overlooking Pier 30 and 32.

I was very excited about the initial concept and design for a cruise ship terminal and strongly urged our Homeowners Association -- other homeowners to support the initial proposal which we did. And even though I had personally looked forward to looking out my window and seeing the ships and enjoying the open spaces and lagoon and new restaurants and all those things, I've come here today to say that I can no longer support the project.

My husband and I were willing -- we realized there would be some level of noise and air pollution, we were even willing to lose what would amount to about a third of our view of the water because the proposed height of the terminal, but we really have had to draw the line based on what we've experienced over the past year and a half about our traffic because we are certainly not willing to lose easy access to our own building which would surely result from the increased traffic the projects would bring.

Since the time we first supported the project, the development in our neighborhood has greatly increased and so has the traffic which is now bottled nearly every single day. There are so many days after 3:30 in the afternoon when getting access to our Portside garage from the back or the front is extremely difficult. The negative impact, the increased traffic from the terminal complex, and the proposed condominium complex would have on residents at Portside would be severe and unacceptable. And additionally, there is just simply no way that Bryant Street and the Embarcadero can function as the main entrance to this terminal complex without completely disrupting the entire neighborhood. **N-1**

The negative impact on this already congested traffic on the Embarcadero and congested traffic of the drivers who are accessing Highway 280 South or the two eastern-most entrances to the Bay Bridge would be real and significant. In fact, as you've probably already seen in the SEIR, there's nothing, not even widening lanes that would make an unacceptable degradation of traffic in our neighborhood acceptable.

It simply is conceptually a wonderful project for this city, it's just that it needs another location. I don't know if, you know, perhaps if it were really scaled down and there was a small beautiful terminal, you know, that had room for one ship and a lot of wide open spaces and it didn't require having offices and it didn't require having a condominium complex to support itself financially, then maybe it could work there. But as it is, I cannot see any good reason to force a traffic nightmare and complete gridlock on one of San Francisco's newest and most vibrant neighborhoods. So I just ask you to please consider the problems that this would bring in our area. Thank you.

Response to Comment N

N-1) The commenter's concerns regarding the existing traffic congestion in her neighborhood and the potential for the Cruise Terminal project to exacerbate this problem are noted. Chapter III.C, Transportation, Circulation, and Parking of the DSEIR discusses in detail the existing traffic conditions in the project site vicinity and the expected project impacts. As the commenter notes, for some of the expected project impacts, the DSEIR found that there are no feasible mitigation measures that would reduce the impacts at particular intersections in the project vicinity to a less than significant level. Feasible mitigation measures are provided to minimize the impacts at The Embarcadero/Bryant Street intersection under Existing Plus Project conditions and The Embarcadero/Howard Street intersection under cumulative conditions. The DSEIR also identifies two general mitigation measures, a Transportation Demand Management Program and an Intelligent Transportation Management System, that would contribute to lessening the adverse transportation effects of the Cruise Terminal project. For additional information regarding traffic, please refer to the responses to Comments A-12, A-13, B-4, B-6, B-11, C-6, C-7, and C-10.

Public Hearing Comments - Cathy Bennett

Good afternoon. First of all, we at the Portside Neighborhood Committee are generally not opposed to the cruise ship terminal. Lend Lease sought and gained the Portside's support in their original bid with the understanding that the developer would work with the Portside and the surrounding community to create a development that would be sensitive to the neighborhood concerns and input. Since that time, and the multiple incarnations this project has taken, there's now considerable doubt or question about whether this developer and this project can hold to that original promise.

Public views of the bay have existed at Bryant Street and Main Street at the Embarcadero since at least 1873. Citizens of San Francisco have enjoyed direct access and unobstructed views of that waterfront for over 125 years. The citizens of San Francisco and the residents of this neighborhood have a right to insist that access and views to the waterfront not be eliminated by a mixed-use retail and commercial project whose overall massing and design are overpowering and inconsistent with the scale and style of the immediate surrounding neighborhood. Yes, we homeowners have a substantial investment in preserving the views of the bay and of the open space and the surrounding area, but so does the city and the citizens of San Francisco. **O-1**

We would like to propose that the design of the pier terminal building which faces the Embarcadero not be a solid wall of four-story building but instead be a broken-up and separated into distinct, separate smaller buildings which would carve out direct, unobstructed views of the water from the Embarcadero.
The city of San Francisco shouldn't have to trade its view of one of the last remaining downtown waterfronts for a view of a four-story cement and glass fortress. This is San Francisco's precious and historic waterfront, not a place for a dressed-up strip mall.

Those of us who live in the immediate Embarcadero/Bryant Street area already experience gridlock traffic during weekday commute hours, ballpark games or other major public events. The gridlock and congestion is so bad that at times it has required police traffic intervention just to allow us access in and out of our parking garage. We support every action to minimize the impact of additional congestion, traffic, noise, and pollution generated by the increased vehicles converging at Bryant Street and Embarcadero which is also an entry point to the Bay Bridge. **O-2**

We ask that you reduce the parking spaces available on the pier to an absolute minimum encouraging the use of public transportation while reducing the negative impacts of the increased density in this neighborhood. **O-3**

With regard to the condominium proposal on the Seawall lot, we strongly urge that the massing of the development be pushed back towards Beale Street away from the Embarcadero. A stepped-back structure of the towers would be more appropriate to the size and the scale of the buildings in the immediate surrounding neighborhood. By reducing the massing on the Embarcadero and on the Bryant Street sides, the Main Street view corridor is better observed as well as a strategic use of open space which would draw more people to the Embarcadero and allow public, visual, and physical access to the bay.

The Portside Neighborhood Committee strongly supports the Pier 30-32 reduced intensity alternative as was described in the Planning Commission Summary on pages 21 and 22. According to the summary, it's an environmentally superior alternative, the building heights and bulk are consistent with existing height and bulk requirements, the traffic impact would be significantly lessened, and the air quality would be vastly improved. There would be less obstruction of the water views to the neighboring condominium developments, and if we added the redesigning of the building that faces the Embarcadero to include distinct breaks in the facade that would allow visual openings and a view of the waterfront from the Embarcadero, then everybody wins, especially the city and the citizens of San Francisco. Thank you. **O-4**

Responses to Comment O

O-1) The DSEIR includes Chapter III.B, Visual Quality, which assesses the Cruise Terminal project's potential impacts associated with scenic views, visual character, and light and glare per the requirements of CEQA. The DSEIR concluded the project would not result in significant impacts

based on the significance criteria provided in the DSEIR and the requirements of CEQA. While the pier component of the Cruise Terminal project would be a large development, as stated on page 61 of the DSEIR, it "would be constructed within a group of nearby buildings of varying height and bulk in a highly developed urban area" and therefore it cannot be concluded that the proposed project would result in a substantial, demonstrable negative aesthetic effect, or that it would substantially degrade the existing visual character of the site and its surroundings.

Further, there is no evidence to suggest that the proposed buildings would be either "overpowering" or "inconsistent with the scale and style" of the buildings in the immediate neighborhood. There are numerous buildings in the immediate area that are greater than 100 feet tall, and there is little stylistic coherence in an area that includes the white Moderne Portside Condominiums complex, the red brick contemporary Bayside Village, and the glass/concrete warehouses on Piers 28 and 26.

The commenter's statements regarding the proposed building design on Pier 30-32 are noted. It should be clarified that the design of the pier component of the project would include a three-story building along a portion (approximately 60%) of Pier 30-32's frontage on The Embarcadero, a series of separate buildings rather than one large structure, view corridors through the site, and a lagoon along the southern side of the pier. In addition, upon approval of the Cruise Terminal project, the Brannan Street Wharf project would be required to be implemented, which would result in the removal of Pier 38 and construction of a 57,000 square-foot public open space. It should also be noted that a new Reduced Building Height Alternative has been added to the DSEIR (see Section E, Staff-Initiated Text Changes). This alternative would reorient the proposed site plan for the Pier 30-32 to create improved view corridors through the site to the Bay.

O-2) The commenter's concerns regarding the problematic traffic conditions in the project vicinity are noted. Also, please see the response to Comment N-1

O-3) Comment noted. Also, please see the response to Comment A-11.

O-4) Please see the response to Comment A-20.

Public Hearing Comments - John Cornwell

Good afternoon, President Theoharis and the rest of the Planning Commission. My name is John Cornwell and I live at the Portside complex as well, the 38 Bryant phase that's at Bryant and Embarcadero. I'm the president of the Homeowners Association, and I've lived in the neighborhood for going on eight years at Portside. I would like to think that I have a very good feel for the dynamics of the neighborhood as it has evolved and not to repeat what everyone else has said, but I think you're going to hear a common theme here this afternoon and that is traffic there is already unmanageable.

**P-1**

And this project -- I was involved with both of the competing developers at the RFP phase, and threw my support, for whatever it's worth, behind the current developer, Lend Lease, with the understanding that the project would be defined as it was at that point. And as time has gone on, this project's bulk and size has increased. It's gone through several iterations. I understand it's not a static process, but it now doesn't look anything like what was the proposed to the community that supported it originally.

There are three primary issues I have that relate to the EIR. One is I don't think the traffic issues are fully addressed in the context of special events at Pac Bell Park. There are a lot of issues that have been brought up by -- I've heard discussion from proponents of this project that "Oh, we'll be able to solve the traffic issues." Well, if they are solvable, I'd like to see them solved in an EIR, not after the fact. If they are so solvable, then I would expect to see a mitigation measure that addresses them. And in fact, the Supplemental EIR does not offer solutions that says right out that you have extreme impacts that are not mitigable. So I also support the reduced incarnation of this project.

**P-2**

This project design seems to be driven more by economics and the fact that the port wants a cruise ship terminal at all costs and doesn't want to pay anything for it. I understand the realities of this situation, but it would be a shame to hobble this neighborhood and this major regional transportation nexus right around the Bay Bridge. Right now it's completely unworkable.

Numerous times per year I park my car several blocks away and walk home because it would take me an hour to go those last two blocks. If for whatever reason there was a fire or there was any kind of medical emergency at Portside, there are times where no emergency response units could even get to our building. So this is something that needs to be addressed in the EIR as well, better than it has been.

As far as bulk, I want to reiterate there are better ways to handle the massing of this project. Pushing it towards the rear of Rincon Hill, it would be -- its bulk would be much better hidden and encompassed if it was up against that kind of geology instead of basically creating a bulwark along the Embarcadero.

**P-3**

Also the EIR I do not think gives enough importance to the obstruction of views that the Seawall lot development would bring. It just says there's very little view blockage from public areas and moves on. I think we need to look at that. There are some additional public view quarters that are impacted significantly.

And lastly, I think the EIR needs to address air quality issues a little better than it does, especially on Bryant Street. The traffic study clearly had been done quite a while ago, there's number of changes in terms of traffic lights and lane changes that have occurred. There's changes in Beale Street that may or may not be permanent that could impact traffic flow, and these things need to be addressed, and also the resulting air quality impacts that are not insignificant. They are already bad and they will only get worse. So that's all I'd like to say on the matter. Thank you for your time.

**P-4**

Responses to Comment P

P-1) Comment noted.

P-2) Please see the response to Comment B-4.

P-3) Please see the responses to Comments A-8 and A-10.

P-4) The DSEIR includes Chapter III.E, Air Quality, which assesses in great detail the Cruise Terminal project's potential impacts on air quality per the requirements of CEQA and *CEQA Guidelines*. The DSEIR's air quality analysis includes consideration of pollution generated by project construction, locally and regionally by project operations (including vehicle and ship traffic), and cumulatively. Because of the inherent regional nature of air pollution, air quality impacts are primarily assessed on a regional scale. However, as noted on page 129 of the DSEIR, "In addition to the regional contribution to the total pollution burden, project-related traffic may result in localized "hot spots" or areas with high concentrations of carbon monoxide concentrations around stagnation points such as major intersections and heavily traveled and congested roadways."

To evaluate "hot spot" potential, a microscale impact analysis was conducted adjacent to six representative intersections in the vicinity of the project area, including: The Embarcadero /Howard Street, Second Street/King Street, Main Street/Harrison Street and Main Street/Bryant Street. According to page 130 of the DSEIR, "This analysis indicates that the State and federal one-hour ambient standards for CO would not be violated at study intersections with implementation of the proposed project, assuming worst-case atmospheric conditions (during wintertime conditions when CO concentrations are typically their greatest of the year). Although traffic volumes would increase with the project in 2004 and 2020, modeling results indicate that CO concentrations would be reduced (see Table 12 on page 131 for a list of the specific estimated CO concentrations at the six intersections). This is due to attrition of older, high polluting vehicles, improvements in the overall automobile fleet, and improved fuel mixtures. . . ."

Further, as discussed in the response to Comment A-12, the DSEIR's traffic analysis found that an average of approximately 25 vehicles trips per hour would occur southbound at the Beale/Bryant intersection under future conditions. While closure of Beale Street south of Bryant Street (as has been the case since September 11, 2001, but has yet to be determined to be permanent) would result in increased congestion on alternative routes, the 25 trips that would be distributed over these other intersections would not result in different levels of service than as described in the DSEIR. Similarly, the redistribution of these trips and related increase in congestion would not result in differences in air emissions than as reported in the DSEIR. As such, regardless of whether Beale Street is reopened or remains permanently closed, the air quality analysis provided in the DSEIR remains accurate and valid.

As such, the project would not result in exceedances of carbon monoxide standards, and therefore, the effect of the project on local carbon monoxide standards would be less than significant. The DSEIR does conclude, however, that the Cruise Terminal project would result in both regional and cumulative significant unavoidable air quality impacts.

Public Hearing Comments - Ernestine Weiss

Thank you, it's just been a long day. My name is Ernestine Weiss. For the record it's spelled W-e-i-s-s. I'm a community activist downtown in the financial district, specifically Golden Gateway Center, and I want to repeat what the previous people have said before me: The traffic is the biggest problem.

We already have traffic that is horrendous. We are having a new renovation to the Bay Bridge coming up; we are having the Ferry Building renovation going on right now; we are having other major renovations to all the piers downtown along the waterfront. So what we need to do is to be very vigilant about what we are doing here because this is indicative about what the rest of the port will be. **Q-1**

I agree that it's a horrendously big project. Office buildings do not belong in the port. We should have entertainment, we should have cruise people there, yes, and fun things, and this is what the port is about, not about office buildings. Office buildings belong in South of Market, et cetera, et cetera. Do not make this an unreasonable project which is being jammed down the throats of the people. It is too huge, and I understand that you have to make a profit, but not at the price that we have to pay about parking and traffic.

As it is right now, it is very difficult to get to the Bay Bridge. It's unbelievable. You don't know what's going on unless you've driven down the Embarcadero to see what's going on. The air quality is important. The parking and traffic has not made an analysis in this EIR at all. I haven't even seen the EIR, but where are the studies? And I begged the port too when I attended many meetings down there, I said, "Get a parking and traffic study done before you go into all this planning." No, but it was rushed through with all this major entertainment, retail, blah, blah, blah.

There's not enough room for that much parking down there. 450 spaces is too much. Haven't you all heard about taxis? Let's give the taxi industry a little boost, they need it, getting people to the piers and back. Whoever said that they have to park there? And the other thing is offices create commuter parking. We don't need commuter parking. We need, if anything, short-term parking to relieve the situation. **Q-1 cont.**

So please go back to the drawing board. Go over these things very carefully, and again I say be very vigilant. The major congestion is downtown. No place else in the city suffers like we do, so you have to give more attention to this problem before you're through with all this. So please go back and study everything and come up with a better situation. We do not need all that parking. Residents need it, yes, but we don't need it for office buildings, et cetera.

So I agree with all those and with the views. If it's going to be a high-rise complex, it's going to destroy the port. We want a beautiful port, we want a beautiful boulevard there for tourists to come and enjoy, and this is not a beautiful project as far as I can see.

**Q-2**

So please let's decrease it. Let's see that they make a profit but also take into the consideration the beauty of the port which is such a treasure here. When I came from New York, I said, "What a terrible port. How did they ever let it deteriorate like this?" So now that they are building it up finally, and I've lived to see this, let's make it a beautiful thing. Thank you.

Responses to Comment Q

Q-1) Comment noted. Please see the responses to Comments N-1 and A-11.

Q-2) Comment noted.

Public Hearing Comments - Eleanor Lindquist

Yes, I'm going to be next. Madam President, Commissioners, thank you very much for having us here today. Not only good evening but good tidings for the season. My name is Eleanor Lindquist. Most people know me as El St. John. I'm a board member of Portside, I also live there. I'm very happy to live there. I've lived there for quite a while now. I enjoy it because it is a beautiful place to live, a convenient place to live. And although we do have our troubles with traffic and parking and it's a big problem now, the big problem would be afterwards, after they built the cruise terminal, and if there would be parking allowed there, and if there would be an office building and another building on the seawall lot that would also have parking, we are looking at compounding the traffic problem that snakes around many blocks right now during the time -- well, from 3:00 o'clock in the afternoon until 7:00 o'clock at night, sometimes later and earlier in the day as well. **R-1**

This problem is a growing problem for air pollution as well. I'm not going to reiterate too much of what everyone else has said, but I do want to say that air quality is something that the ships get in the way of and there will be plenty of them; that the traffic, ground traffic will bring to us; the bridge traffic is already heavy with air pollution; and there are several other varying problems that we have with pollution.

I myself did a study, had a company come in and do a little study. I must tell you that the pollution that the traffic generates right now is already too high. With other traffic, additional traffic, we'll have bigger problems. I know that the federal people look at this much more severely than we do at a state level, but I do wish that the EIR or someone would take a look at this a little more closely. That's a big problem for me. **R-2**

I am all for the beautification of that area, that area is beautiful, and as I said earlier, that's why I moved here. I want you to know that if we build it the way it is now proposed, there is no beauty to this, it will take away. I need you to look at our website. We have a website where Matt Needham has put together a wonderful presentation of how it will actually affect the entire area if we build the port as they are proposing to build it now. The original design was not like this and we were for that. We are not for what is going on today and now. The Seawall lot will not only cut off all the Main Street corridor views which is an historical block and allows you to have that view which is really quite beautiful, will not only cut off that but will shadow everything around it so no more open space, no more sunshine, none of those good things that we in San Francisco love to have and are proud of and bring our tourists here. **R-3**

This will be a great tourist area, we look forward to that. Taxis are wonderful, we don't need parking. We do want the cruise terminal to go ahead, but all of the other things including the office buildings, we really need to look at that. It's not working for us; I don't think it would work for you. **R-4**

We do have thousands of people in San Francisco who do not live necessarily down in that area who are on our side about this. We can bring them to you if you need to hear from them. They are not for anything but the beautification of San Francisco as well as having something practical. We can do that but we can bring you all the people you need to hear from if you want us to. Thank you very much for listening to us. I bid you good season. **R-5**

Responses to Comment R

R-1) Please see the responses to Comments N-1 and A-11.

R-2) The commenter's concerns regarding the Cruise Terminal project's potential for increasing air pollution are noted. For additional information regarding the manner in which the DSEIR addresses these issues, please see the response to Comment O-4.

R-3) Comment noted. Please see the responses to Comments A-8 and A-11.

R-4) Please see the response to Comment Q-1.

R-5) Comment noted.

Public Hearing Comments - Matthew Needham

My name is Matthew Needham. I'm with the Portside Neighborhood Committee, and this proposed cruise terminal project, according to the Draft EIR that's been submitted, would cause significant environmental impacts to the community, city, and the region. Because of this, it's very important that the identification of the environmentally superior alternative be clearly identified properly and that's what I'm about to speak to today.

When we drafted our responses to the Notice of Preparation, we requested a reduced-intensity alternative to be studied in the EIR. The EIR did study not one but two reduced-intensity alternatives. Instead of studying a reduced pier and Seawall lot development that we all have asked for, and the logic being in such a development that a reduced level of development on the pier would have to be less subsidized by the Seawall lot, therefore, you would not have to have developments on the Seawall lot as that intensive. **S-1**

Instead, the EIR has analyzed a reduced Pier 30-32 alternative with the full intensity on the Seawall lot including the change in the height limits to 200 feet on the waterfront of San Francisco. In addition, they've looked at a reduced-intensity Seawall lot alternative with the full pier. Obviously, we can do better than this. As such the environmentally superior alternative identified in the EIR is the Pier 30-32 reduced alternative with the full Seawall lot development. **S-1 cont.**

What we would like to see in the Final EIR is what we requested in the NOP response, and that is for the EIR to analyze the reduced Pier 30-32 and Seawall lot development. What you will find is that this will be our new environmentally superior alternative. Thank you.

Response to Comment S

S-1) Please see the response to Comment A-20, which includes references to the addition of a Reduced Building Height Alternative to the text of the DSEIR.

Public Hearing Comments - Earl Gee

Members of the Planning Commission, my name is Earl Gee speaking on behalf of the Portside Neighborhood Committee. I am a homeowner at Portside, the condo complex across the street from the proposed cruise terminal and directly facing the Seawall lot.

We are deeply concerned about the proposed scale and massing of the Seawall lot condo development. I am fully aware of the financial goals of the port and developer to achieve a sufficient monetary return on the Seawall lot to support this terminal, but we must consider the cost to our neighborhood. The proposed scale and massing of the Seawall lot will have negative impact upon our neighborhood in three ways: It will totally block off the public Main Street view corridor looking towards the bay; it will severely obstruct the water views from our complex; it will be entirely out of scale with the surrounding developments and inappropriate for the waterfront.

An intelligent yet simple solution to the problem of the Seawall lot massing exists, one which can meet the objectives of the port and developer while reducing the negative impacts to our neighborhood. Serious consideration must be given to a stepped-back structure whose mass is distributed towards Beale Street. This type of massing is common sense. By building to suit the context of the hillside, taller elevations belong in back and shorter elevations belong in front. We should not raise the overall height limit of the site but instead lower the height limit in the front towards the waterfront to 65 feet and raise the height limit in the back towards Beale Street to 220 feet. **T-1**

To fully preserve the Main Street view corridor, the structure itself should begin after the Main Street right of way. This simple redistribution of mass would preserve the Main Street view corridor and promote public access to the bay. It would respect the substantial investment made by Portside homeowners in our water views. It would create a development that is appropriate to both the site and scale of the buildings in the surrounding neighborhood.

The cruise terminal and Seawall lot should be positive additions to our neighborhood. They should not occur at the expense of our neighborhood. Thank you very much.

Responses to Comment T

T-1) The commenter's concerns regarding the Cruise Terminal project's potential for adversely affecting visual quality are noted. Please see the Seawall Lot Reduced Intensity Alternative, described on pages 189-191 of the DSEIR, for analysis of a development scenario that reduces the heights of the proposed seawall lot structures and locates the taller structures to the western corner (closer to Beale Street) of the site, as suggested by the commenter. Also, please see the

response to Comment A-20, which includes references to the addition of a new Reduced Building Height Alternative.

Public Hearing Comments - Kira Schmidt

Good afternoon, my name is Kira Schmidt. I'm here on behalf of Bluewater Network, a national environmental organization based here in San Francisco that works to fight environmental damage caused by the shipping, oil, and motorized recreation industries. I'll focus my comments on the impacts of the operation of the cruise terminal and air and water quality.

First, a general comment: The Draft SEIR states that the number of cruise ship calls will increase from approximately 40 at present to 69 in 2004 and to 107 by 2020. In several places, the Draft SEIR suggests that this growth would likely occur in the no-project scenario, the existing cruise terminal at Pier 35 would accommodate this many annual cruise ship calls. **U-1**

This is inconsistent with the more accurate assertions elsewhere in the draft report that Pier 35 would be inadequate to meet the port's objectives with regard to attracting and servicing the cruise industry to San Francisco, and that the expected increase in cruise ship calls in the no-project alternative would be less than would occurred with the proposed project. These inconsistencies should be corrected.

Regarding water quality, simply put, more cruise ships in the bay will lead to more pollution of the bay. These ships are floating cities that generate tremendous volumes of waste. A typical cruise ship on a one-week voyage generates more than 50 tons of garbage; two million gallons of gray water, which is wastewater from sinks, showers, galleys, and laundry; 210,000 25 gallons of sewage; 35,000 gallons of oil-contaminated water; and significant amounts of hazardous waste.

Furthermore, the cruise industry has a history of polluting the seas. The U.S. General Accounting Office recently reported that from 1993 to 1998 alone, cruise ships were responsible for 87 confirmed cases of illegal discharges of oil, garbage, and hazardous wastes into U.S. waters. Twelve of these cases occurred in California. Cruise ships continue to have similar pollution and compliance problems today. Due to a series of cruise ship pollution incidents in the state of Alaska, the Alaska Department of Environmental Conservation launched an initiative last year to sample cruise ship wastewater discharges for various pollutants. Sampling this summer and last revealed that treated sewage and gray water contained levels of fecal coliform, total suspended solids, chlorine residual, and metals far in excess of state and federal standards. Many of the ships sampled also traveled to San Francisco.

It is legal under existing laws and regulations for cruise ships to discharge treated sewage and gray water into San Francisco Bay. However, the cruise companies claim they have a voluntary corporate policy of zero discharge in California waters. Unfortunately, this has not translated into practice. Carnival Cruise Lines admitted to dumping more than 40,000 gallons of gray water each week into the Port of Los Angeles during the first five months of 2001. **U-2**

In light of the above, the Draft SEIR's assumptions that standard cruise ship operations that would be implemented as part of the proposed project would protect bay water quality from cruise ship discharges; that sewage from cruise ships would not affect bay water quality in the project vicinity; and that discharges of gray water do not typically occur from cruise ships in the bay are overly optimistic.

The mitigation measure put forward to address ship-related impacts on water quality very generally calls for a program to prevent cruise ships from discharging into the bay. The draft report's assertion that this mitigation measure would reduce the water quality impacts to a less than significant level is rather unrealistic.

The final EIR must be far more specific in stating what such a program should include, such as requiring zero discharge of gray water and sewage in the bay, instituting a strong monitoring component with random sampling and inspections, and including interested environmental organizations and citizens in regular meetings to address ship discharge issues, if the measure hopes to mitigate the water quality impacts associated with the operation of the cruise terminal. **U-2 cont.**

Regarding air quality, the Draft SEIR demonstrates that emissions from the cruise terminal would substantially exceed the Bay Area Air Quality Management District's daily and annual significance thresholds for reactive organic gases, nitrogen oxides, and inhalable particulates. The project will thus have significant regional and cumulative impacts on the Bay Area's already poor air quality. Commercial marine vessels currently produce 23 percent of the PM and 12 percent of the NOx emissions in the Bay Area. **U-3**

The Draft SEIR suggests that these significant impacts on air quality are unavoidable, yet it fails to include any mitigation measures to reduce emissions of air pollutants from cruise ships. There are several measures which are proven to reduce these emissions, such as turning off ships' auxiliary engines and generators while in port and connecting to shoreside power, slowing vessel speeds, installing particulate matter traps, using cleaner burning, lower sulfur content fuel, gas turbine engines, and enhanced combustion technology. Such mitigation measures should be included in the Final EIR.

We will also provide additional comments in writing regarding the Draft EIR's failure to examine the potential impacts from the increase in cruise ships painted with highly toxic tributyltin or TBT bottom paint from the various hazardous wastes generated and transported by cruise ships and on the area's whale populations due to the increased risk of ship strikes. There are also some inaccuracies regarding regulations that apply to cruise ship pollution that I will also provide written comments on. Thank you. **U-4**

Responses to Comment U

U-1) Please see the response to Comment L-11.

U-2) Please see the response to Comment L-1.

U-3) Please see the responses to Comments I-1 and I-2.

U-4) Please see the response to Comment L-4.

Public Hearing Comments - Michael Sweet

Thank you. Good afternoon, President Theoharis and Commissioners. My name is Michael Sweet. I am the vice chair of the Rincon Point South Beach Citizens Advisory Committee. I'm also a member of the Brannan Street Wharf Citizens Advisory Committee. The Brannan Street Wharf is also a component of this project and hasn't gotten much discussion here today, but we are pleased to see it moving along at an accelerated pace.

We will be presenting you -- a subcommittee of our South Beach CAC has met and has come up with 22 items which will be presenting to you in written form. I don't think it's necessary for me to read from all of them now, but I will highlight the major issues. They are the same issues you've been hearing about from the previous speakers inasmuch as they address issues of traffic and parking and congestion. **V-1**

One significant concern is that the analysis that was utilized in the EIR did not take into account the post-September 11th world which has Beale Street closed, and the way the traffic patterns are laid out now and Beale Street being closed and potentially permanently being closed will drastically affect traffic as it moves through the area.

And we ask that in the revised EIR that there is analysis that takes this into account and some mitigation to allow access onto Beale Street or to facilitate other access into the project. The developer relies on the Beale Street access for access into the Seawall lot, and you just simply can't get a truck in there around that turn during rush hour and cars are going up to the Bay Bridge to the carpool lane, and with Beale Street closed, that will create problems. **V-1 cont.**

A potential alternative which may be researched and incorporated into the EIR would be opening the cul-de-sac at the far end of Beale Street onto the Embarcadero so that there is some egress and a larger opportunity for turns on Beale Street.

One other item that we want to ask to be included in the new EIR as a highlight of the discussion you'll receive in our written statement is views of the massings looking north from the southern part of the area. Those have not been presented in the EIR, and I think that that's an area where there may be a little bit of a gap and we'd like to see what the anticipated look of that will be and so we can better assess the feel that we'll have in the community. I thank you for your time and hope you look forward to reading our more detailed comments. **V-2**

Responses to Comment V

V-1) Please see the response to Comment A-12. In addition, the commenter's suggestion to remove the Beale Street cul-de-sac and connect the street to The Embarcadero is noted. To accomplish this would involve designing a new The Embarcadero/Beale Street intersection and the associated operational characteristics of the Brannan Street/The Embarcadero intersection, just south of the suggested new intersection, because of the latter's proximity. While such a change could potentially improve the local street access, it likely would not improve regional traffic impacts nor reduce significant cumulative impacts identified in the DSEIR to a level of non-significance.

V-2) Please see the responses to Comments A-8 and A-9.

Public Hearing Comments - Bill Barnes

Good evening. Bill Barnes on behalf of Supervisor Daily. President Theoharis, members of the Commission, thank you for your work on this and particularly the staff and the planning commission for putting together a document that contains a fair number of specific and actionable mitigations which are all appropriate. I have a few quick comments that I wanted to share and then wanted to inform you of additional written comments that you'll be receiving.

On page 90 in the section related to passenger loading, there is an indication that when vessels are in port, cruise terminal staff be positioned at the Embarcadero and Bryant at the passenger loading zone and other key areas to help direct traffic. And we've learned through the Giants that success of Pacific Bell Park is that we actually need trained folks, many of whom work for the City and County of San Francisco, to make sure that traffic moves through the neighborhoods and that pedestrians are safe. **W-1**

So as the EIR moves forward, it would be helpful particularly in the section that talks about Pacific Bell Park on game days and how the cruise terminal would interact to contrast possibly what the project sponsor is proposing with city employees.

Additionally, and I wanted to spend a fair amount of time on this section, the air quality impacts raised a number of concerns for Supervisor Daily. Earlier this year, he was appointed as a member of the Board of Directors of the Bay Area Air Quality Management District, along with Supervisors Hall and Yee, and their staff will actually be forwarding you full written comments. **W-2**

But on Page 132, there was just a sentence I wanted to read so it is in the record. It actually says, "It should be noted, however, that the project's specific, significant, and cumulative affects are largely a construct of the Bay Area Air Quality Management District's analysis methodology which is geared more to a single development project rather than a series of project components to analyze together."

The Air District felt that that was unnecessarily prejudicial in that other localities in the nine-county Bay Area have used their analysis methodology. Additionally, the cumulative impacts paragraph ends by saying, "thus the emissions estimated here should be considered a worst-case assumption," which has always been our understanding of an environmental impact report, that the EIR measures worst-case assumptions. The Air District will have more thorough comments, as I'm sure the Bluewater Network will. I just wanted to make folks aware that we're really hindered in our ability to regulate cruise ships because of the nature of cruise ships. They are chartered by other governments; they are not really governed through the nine-county Bay Area regulation. **W-2 cont.**

So the Planning Commission has a really excellent opportunity working in partnership with the project sponsor to implement some of the mitigations at the project site to make sure that we reduce the air quality problems.

On the Brannan Street Wharf, I wanted to echo what members of the CAC have said, open space in this area is desperately needed. It's a project that has Supervisor Daily's full support. On page 193, we noted the reduced fill alternative would actually fill less of San Francisco Bay and generate more open space by using existing marginal wharf. It was said that that wasn't the developer's primary or proposed development alternative and therefore wasn't measured in the EIR. It would be helpful as we move forward to think about that option. Voters clearly said that they are concerned about the bay being filled and open space being at a premium. We have this opportunity to create more open space with less bay fill. **W-3**

Finally, it really goes to say that the folks at Lend Lease, the folks in the South Beach Community, particularly the Portside Neighborhood Committee have done a pretty exemplary job when it comes to our office in terms of providing information. Supervisor Daily is not opposed to the project and we look forward to sitting down with the project sponsor, the port, and members of the community to try to address some of the substantive issues which aren't going be addressed by the EIR, but to the degree that the Commission can make sure the final document contains all of these concerns, it can set us toward a path of building this project. If everyone knows and has confidence in what the environmental impacts are, we can have a reasonable discussion about what can give and what can't. And so thank you again for your assistance. I will end at four minutes, and have a good holiday. **W-4**

Responses to Comment W

W-1) Current operations at Pier 35 include staff of the Department of Parking and Traffic (DPT) working with Port staff to monitor and manage traffic and pedestrian flows. Trained personnel would be present to monitor and manage traffic and pedestrian flows with the relocation of the cruise terminal to Pier 30-32.

Also, please see Section E, Staff-Initiated Text Changes, for the revision to the DSEIR that adds a new transportation mitigation measure (Measure C.11), requiring the project sponsor, upon issuance of permits approving the Cruise Terminal project, to become an active participant in the Ballpark/Mission Bay Transportation Coordinating Committee and to work with the Committee to develop traffic and parking plans for the project. Participation in this committee would facilitate effective coordination between the Giants during game days and the Port/Cruise Terminal operator when cruise ships are also in port. Further, a new project alternative, the Reduced Building Height Alternative, has been added as a revision to the DSEIR (see Section E, Staff-Initiated Text Changes, page 134). This alternative, which is acceptable to the project sponsor, would eliminate the secondary driveway off of The Embarcadero at Pier 30-32. This change would reduce the potential conflicts between automobile traffic and pedestrians.

W-2) Page 132 of the DSEIR states: "Also, the emissions estimates from ships do not take into account the new EPA regulations for ships built beyond 2004. Thus, the emissions estimated here should be considered a worst-case assumption." To clarify, the use of the term "worst-case assumption" here is intended to indicate that assumptions used to calculate the ship emissions were unusually conservative. Please see the responses to Letter I, the Bay Area Air Quality District's comments, and Letter L, Bluewater Network's comments.

New mitigation measures (Measures E.3 through E.5) have been added to the DSEIR and are included in Section E, Staff-Initiated Text Changes (see page 133). These measures would establish a reduced fee structure for cruise ships demonstrating the use of effective emissions reduction systems; require equipment used primarily at Pier 30-32 and operated by the Port and/or cruise terminal operator to have lower emissions than existing diesel equipment for each respective use; and require all trucks and busses used in relation to the Cruise Terminal to shut down their engines within five minutes of parking at the terminal.

W-3) The Reduced Fill Alternative would have slightly less Bay fill and, therefore, slightly reduced effects. The Brannan Street Wharf is subject to ongoing review by the Waterfront Design Advisory Committee, which is composed of representatives of the Planning Department, the Port, and BCDC. As part of this review, the Committee is examining both the preferred project and the Reduced Fill Alternative.

W-4) Concerns expressed in these and other comments regarding the potential environmental effects of the proposed Cruise Terminal project have been addressed in the responses to comments and further through revisions to the DSEIR, as reflected in Section E, Staff-Initiated Text Changes, including text revisions, additional mitigation measures, and incorporation of the new Reduced Building Height Alternative.

Public Hearing Comments - Gwyneth Borden

Hi. My name is Gwyneth Borden. I'm from the San Francisco Chamber of Commerce, and I just wanted to urge this Commission to certify the drafts of the EIR. We feel the EIR is adequate in its recommendations and look forward with you working with the project sponsors to make this project workable for San Francisco. Thank you. **X-1**

Responses to Comment X

X-1) Comment noted.

Public Hearing Comments - Oz Erickson

Madam President, I am Oz Erickson. I'm with Emerald Fund. We're a local real estate developer. We actively support the whole concept of the cruise terminal with one important modification.

As Earl Gee said, we firmly support the idea of raising the height on the rear section of Brannan Street, and we would like that to be formally considered in the EIR. I would recommend that a 220-foot height limit be allowed for the tower that is on the corner of Beale and Bryant. I think that would be totally consistent with other construction in the neighborhood. It would be consistent with Avalon, it would be consistent with Bridgeview, and I would also recommend that we reduce the height of the tower that is on the -- along Bryant at the Embarcadero; that is, reduce it down to six or seven stories and reduce the height on Bryant Street from the 69 down to 50. **Y-1**

I think all of these will make the massing of the project far superior and will yield the same number of units for the developer and will make it still a very economical project. So I ask that that be formally considered in the EIR. Thank you.

Responses to Comment Y

Y-1) Please see the response to Comment A-20, which includes the addition of a Reduced Building Height Alternative to the text of the DSEIR.

Public Hearing Comments - Commissioner Cynthia Joe

Yes, I want to support the reduced fill alternative cited for the Brannan Street Wharf Project. It's found on page S-24 and it's repeated again on page 193, and that's to increase the public space by reconfiguration and to repair the marginal wharves so that there's less bay fill because you're driving piles onto only 35,000 square feet versus 45,000 square feet. So I would hope that the project sponsor would pursue the reduced fill alternative. **Z-1**

Responses to Comment Z

Z-1) Commented noted. The Reduced Fill Alternative can be considered by decision makers, as can other identified alternatives.

# SECTION E
## STAFF-INITIATED TEXT CHANGES

Below are changes to the text of the DSEIR as determined appropriate by Planning Department staff subsequent to publication of the DSEIR. Where a text change is provided in direct response to a particular public comment, the corresponding comment number is provided in brackets at the end of the text change.

• Chapter I, Summary, is revised to reflect all revisions and additions to Chapter IV, Mitigation and Improvement Measures, provided below in this section.

• Chapter I, Summary, is revised to add the following summary of the new Reduced Building Height Alternative:

> Under the Reduced Building Height Alternative, the development program on the seawall lot would be identical to that of the proposed project, but the seawall lot building heights would differ from the project in the following ways: the northeast tower would be reduced from 13 stories and 130 feet tall to 7 stories and 75 feet; the west tower would increase from 17 stories and 187 feet tall to 20 stories and 220 feet; and the street level units along Bryant Street would be reduced from 6 stories and 70 feet tall to 5 stories and 50 feet, except the easternmost two units, which would be further reduced to 4 stories and 40 feet.
>
> Other than a reduction in retail space from 220,000 gsf to 195,000 gsf, Pier 30-32 would have the same program as the proposed project. The pier site plan would, however, be substantially redesigned, with the following principal changes: 1) the lagoon would be located closer to the center of the pier within the existing pier footprint; 2) the street frontage of the buildings along The Embarcadero would be split, allowing east-west pedestrian and visual access; 3) the parking would be constructed directly on the existing pier deck, rather than being constructed partially (four feet) below the pier deck and as a podium below office and retail space; 4) the secondary driveway off of The Embarcadero would be eliminated; 5) none of the non-terminal buildings would exceed the pier's height limit of 40 feet; and 6) less new pier deck would be constructed and therefore less new fill would be required.
>
> Other than the 220-foot tall west tower, which would still require an exception to the bulk limits and a height reclassification, all of the buildings on the seawall lot would be consistent with the property's height and bulk limits. Because this alternative would include pier buildings that would not exceed 40 feet (excluding the exempted terminal structure), no height reclassification would be required for the pier component of the project. Like the proposed project, this alternative would have less than significant effects related to land use, plans, and policies.

Like the proposed project, this alternative would not result in significant effects to views or any other aspect of visual quality. This alternative would, however, substantially improve private views looking eastward from residences on the upper floors of buildings to the west and northwest of the seawall lot. The increased height of the seawall lot's west tower would likely partially or completely obstruct eastward looking private views that would not be obstructed under the proposed project. Views from The Embarcadero looking north, west, and southwest to the seawall lot would differ due to the redistribution of mass on the seawall lot, but would generally have the same effect as some buildings would be shorter and the west tower would increase in height. Views looking southeast towards the Bay down Main Street would still be blocked by new development on the seawall lot, although the obstructing buildings would be shorter. The decreased height of development on the seawall lot would not, however, substantially improve views from public rights of way, looking either east (towards the waterfront) or west (from the waterfront) back to the seawall lot. In addition, with no ship in the eastern berth, the reoriented pier site plan would allow for improved views of the Bay from The Embarcadero through the pier development.

With respect to traffic, this alternative would result in a slight reduction in the number of daily and PM peak hour person trips, but not enough to change the level of service at any of the study intersections under the scenarios analyzed for the proposed project. As such, none of the significant traffic impacts identified for the proposed project would be eliminated under this alternative. Because this alternative would eliminate the secondary driveway access to the pier from The Embarcadero, potential pedestrian conflicts at this driveway that could occur with the proposed project would not occur. All other traffic, parking, and circulation effects would be the same as those for the proposed project.

As with the proposed project, stormwater runoff and sewer system (including CSO) effects would be less than significant. Similarly, shipping related effects on water quality, effects from dredging for the two berths, and impacts from land-based and water-based construction activities would be identical to those of the proposed project. Air quality effects would be nearly identical to those of the proposed project and therefore the two significant impacts identified for the proposed project on regional air quality and cumulative regional air quality would remain significant. Shadow and wind effects on Pier 30-32, despite generally lower buildings and one taller building, would be very similar to those of the project, and would be less than significant. Effects related to hazardous materials would be the same under this alternative as they would with the proposed project.

• Page S-12, of Chapter I, Summary, the following heading is revised as follows (new language is underlined):

**D. MITIGATION <u>AND IMPROVEMENT</u> MEASURES** (p. 169)

• Following page S-23 of Chapter I, Summary, the Alternatives Impacts Comparison table included in Appendix B of this document is added. [C-12]

• Page 1 of Chapter II, Project Description, last paragraph, is revised as follows (new language is underlined; deleted language is indicated with strikethrough text):

> The adjacent South of Market (SOMA) neighborhood is composed primarily of large-lot, multi-story office and residential buildings. Multi-family residential complexes, including Bayside Village and Portside Condominiums, are located across Beale and Bryant Streets from the site, respectively, while 301 Bryant Street, Baycrest Condominiums, and Bridgeview Condominiums are each located one block from the site. Hills Plaza, Rincon Center, and South Beach Marina Apartments, all large mixed-use developments, are located one to ~~two~~ three blocks away to the north of the Bay Bridge. [B-1]

• Page 30 of Chapter III.A, Land Use, Plans, and Policies, Figure 17, is revised to include indications of the location of the Baycrest, Bridgeview, and 301 Bryant Street residential developments. [B-1]

• Pages 33-35 of Chapter III.A, Land Use, Plans, and Policies, each of the following policies of the *Northeastern Waterfront Plan* are added in their appropriate numerical order:

> Objective 10, Policy 10.11: Maintain and enhance existing grade level view corridors to the Bay particularly from Kearny, Broadway, Howard, Folsom, and Beale Streets and to the bulkhead buildings, significant architectural features, or waterfront views from Bay Front, Green, Vallejo, Market, Mission, Harrison, Steuart, Bryant, Brannan, and Townsend Streets. Create new view corridors at Pacific and Greenwich Street.
>
> Objective 10, Policy 10.26: Restrict development south of Broadway to the Height and Bulk Districts shown on Map 2.
>
> Objective 30, Policy 30.18: Develop housing in small clusters of 100 to 200 units. Provide a range of building heights with no more than 40 feet in height along the Embarcadero and stepping up in height on the more inland portions to the maximum of 160 feet. In buildings fronting on Brannan Street in the 160 foot height area, create a strong base which maintains the street wall created by the residential complex to the east and the warehouse buildings to the west. Orient the mix of unit types to one and two bedrooms and include some three and four bedroom units. Pursue as the income and tenure goals, a mix of 20 percent low, 30 percent moderate and 50 percent middle and upper income, and a mix of rental, cooperative, and condominium units.
>
> Objective 30, Policy 30.23: Design structures to protect views of the water down street corridors from the residential areas. Carefully consider roof design and conceal roof equipment because of its visibility from adjacent residences. Landscape flat roofs and finish sloped roofs in attractive materials. Allow exposed parking only if the parking areas are extensively landscaped. Consider the use of turf block instead of asphalt paving. [A-5]

• Page 68 of Chapter III.C, Transportation, Circulation and Parking, second sentence of second full paragraph, is revised as follows (new language is underlined):

> The Transbay Transit Terminal is located one-half mile northwest of the project site on Mission and Fremont Streets and has access to AC Transit bus service to the East Bay, Sam Trans bus

service to the Peninsula, and Golden Gate Transit bus service (along Mission and Fremont Streets) to the North Bay, either within or adjacent to it. [H-4]

• Page 68 of Chapter III.C, Transportation, Circulation and Parking, last sentence of third full paragraph, is revised as follows (new language is underlined; deleted language is indicated with strikethrough text):

The two MUNI Metro stops closest to the project site are the Brannan Station, located just south of the site across from Pier 36 on The Embarcadero, and the ~~Second and King~~ Folsom Station, located ~~three~~ one and a half blocks to the north ~~south~~ of the site on The Embarcadero.

• Page 69 of Chapter III.C, Transportation, Circulation and Parking, Figure 29, Existing Transit Routes and Stop Locations, is revised to add Golden Gate Transit Routes 67 and 69. [H-1]

• Page 72 of Chapter III.C, Transportation, Circulation and Parking, footnote 14, is revised as follows (new language is underlined; deleted language is indicated with strikethrough text):

The critical movement for each signal phase consists of the opposing movements with the highest volume to capacity ratio. In this analysis, the project impact is considered substantial if project contributions to cumulative volumes and growth exceed five percent, the critical movements with project related traffic volumes are operating at a LOS E or F, and delays increase significantly at the critical movement. ~~is defined as the intersection approach where service levels are at LOS F~~.

• Page 74 of Chapter III. C, Transportation, Circulation and Parking, first sentence of first paragraph, is revised as follows (new language is underlined; deleted language is indicated with strikethrough text) to correct a typographical error:

As indicated in Table 2, the project would generate about 45,382[1] net new person trips per day under Base Case conditions, ~~58,432~~ 54,382 during the Cruise Season, and 48,982 during the Off-Season.

• Page 101 of Chapter III.D, Hydrology and Water Quality, last sentence of first partial paragraph, is revised as follows (new language is underlined; deleted language is indicated with strikethrough text):

It should be noted that ~~cruise ships do not typically discharge ballast water~~ due to the relatively light load that passengers and stores represent as a proportion of the total load on cruise ships, these vessels discharge a relatively small amount of ballast water compared to the total amount discharged by other large vessels such as tankers and cargo ships. [D-6]

• Page 102 of Chapter III.D, Hydrology and Water Quality, first sentence of second complete paragraph, is revised as follows (new language is underlined; deleted language is indicated with strikethrough text):

In February, 2000, California ~~is developing~~ passed new legislation, AB 2746, ~~which would~~ that requires cruise ships operating in California waters to report ~~monitor and record~~ the specific details about the quantities and qualities of all waste materials released into the environment and offloaded at California ports to an inter-agency Cruise Ship Environmental Task Force established in January, 2001. The Task Force is required to prepare a report to the Legislature by June 2003 with recommendations on how to improve

regulations that apply to cruise ship waste management practices in California. ~~It~~ The legislation would also require cruise ships to submit quarterly reports to the State Water Resources Control Board. [L-6]

• Page 109 of Chapter III.D, Hydrology and Water Quality, fourth sentence of first complete paragraph, is revised as follows (new language is underlined; deleted language is indicated with strikethrough text):

> However, ~~cruise ships do not typically take on or discharge large quantities of ballast water~~ due to the relatively light load that passengers and stores represent on cruise ships, these vessels discharge a relatively small amount of ballast water compared to the total amount discharged by other vessels. [D-6]

• Page 109 of Chapter III.D, Hydrology and Water Quality, first sentence of last paragraph, is revised as follows (new language is underlined):

> Since the existing regulations relating to cruise ship discharges are currently under evaluation by the USEPA and other relevant regulatory bodies, the adequacy and effectiveness of current regulations pertaining to water quality protection from cruise ship discharges could be subject to change.

• Page 110 of Chapter III.D, Hydrology and Water Quality, first complete paragraph, is revised as follows (new language is underlined; deleted language is indicated with strikethrough text):

> Thus, due to uncertainty in the effectiveness of existing regulations and the potential for discharges to occur (although such occurrences would likely be very infrequent), the increase in shipping activities associated with the proposed project could potentially result in degradation of water quality. This would be considered a significant impact. Implementation by the project sponsor of Mitigation Measures D.1 and D.2 (see Chapter IV), which would create and maintain ~~a~~ programs designed to prevent cruise ships from releasing unauthorized and potentially harmful non-ballast water discharges and ballast water discharges to San Francisco Bay, respectively, would reduce these impacts to a less than significant level.
>
> These mitigation measures would reduce impacts to a less than significant level because existing laws and regulations that are in place provide that discharges of ballast water and other harmful substances shall either not occur at all within San Francisco Bay or may only occur at acceptable levels. While the project sponsor themselves do not have enforcement authority under the applicable State and federal laws and regulations, the mitigation measures provide that the project sponsor would coordinate with the regulatory agencies who do have such authority, including but not limited to, the U.S. Coast Guard, the SFBRWQCB, and the State Lands Commission. The mitigation measures provide that the project sponsor would work with these entities to achieve compliance with State and federal laws and regulations. In addition, the results of the ongoing USEPA study and other applicable ongoing studies and research would indirectly affect cruise ship operations in San Francisco Bay, and, in the long run, would serve to improve water quality protection in the Bay. [D-3]

• Page 120 of Chapter III.E, Air Quality, fifth sentence of first complete paragraph, is revised as follows (new language is underlined):

> However, in 1999, U.S. EPA issued a final rule that establishes emissions standards for large, commercial, marine, diesel engines (Category 1 and 2 vessels only, not cruise ships or other Category 3 vessels) used in the United States (USEPA, 1999). [L-8]

• Page 129 of Chapter III.E, Air Quality, last complete paragraph, is revised as follows (new language is underlined; deleted language is indicated with strikethrough text):

> To reduce ozone precursor and particulate matter pollutant emissions, trip reduction measures recommended by the BAAQMD are included in this document (see Mitigation Measure E.2 in Chapter IV). In addition, the project sponsor would ~~work with other maritime agencies to encourage cruise lines to consider the use of alternative fuels, more efficient engines, and other emerging technologies~~ implement Mitigation Measures E.3, E.4, and E.5 to minimize air emissions from cruise ships and Port activities associated with operation of the cruise terminal. Implementation of Mitigation Measures E.2, E.3, E.4, and E.5 would reduce impacts of criteria air pollutant emissions, but not to a less-than-significant level, given the magnitude of forecast project emissions. Therefore, regional project-related impacts would be significant and unavoidable. [C-3]

• Page 140 of Chapter III.F, Shadow, third sentence of last paragraph, is revised as follows (new language is underlined; deleted language is indicated with strikethrough text):

> The shadow cast by the residential tower located on the northwest corner of the seawall lot would extend beyond the span of the Bay Bridge to the ~~Portside~~ Baycrest Condominium complex located on the east side of Beale Street. [B-9]

• Page 171 of Chapter IV, Mitigation and Improvement Measures, following Mitigation Measure C.10, the following text is added:

> ***GENERAL MITIGATION***
>
> C.11 Upon issuance of permits approving the proposed project, the project sponsor shall become an active participant in the Ballpark/Mission Bay Transportation Coordinating Committee and work with the committee to develop traffic and parking plans for the project. [B-4]

• Page 172 of Chapter IV, Mitigation and Improvement Measures, under the heading "Ship-Related Impacts on Water Quality," the following text for Mitigation Measure D.1 replaces the existing language for that measure:

> D.1 The project sponsor shall initiate and maintain a program to prevent cruise ships at the proposed cruise terminal from releasing incidental or intentional discharges to San Francisco Bay. The types of prohibited discharges would include sewage, gray water, hazardous waste, solid waste, and fuel or oil-related substances. Such a program would include, at a minimum:

- a requirement that cruise ships comply with existing or future laws and regulations regarding discharge of sewage, gray water, hazardous waste, solid waste, and fuel or oil-related substances into San Francisco Bay;

- working with government agencies having jurisdiction over San Francisco Bay water quality to ensure compliance with the program;

- implementation of a reporting mechanism between the cruise ship line and cruise terminal operator that would include monitoring of discharge operations while in San Francisco Bay;

- reporting by the cruise terminal operator to the Coast Guard and the Regional Water Quality Control Board all incidental or intentional discharges to the Bay; and

- the establishment and facilitation of regular meetings between representatives of the cruise lines, Coast Guard, Regional Water Quality Control Board, the Port, the cruise terminal operator, at least one environmental organization whose primary stated purpose is to address San Francisco Bay water quality issues and the South Beach – Rincon Point CAC to address cruise ship discharge issues. [D-8]

• Page 172 of Chapter IV, Mitigation and Improvement Measures, under the heading "Ship-Related Impacts on Water Quality," the following text for Mitigation Measure D.2 is added as a new measure:

D.2 The project sponsor shall initiate and maintain a program to prevent cruise ships at the proposed cruise terminal from releasing unauthorized ballast water discharges into San Francisco Bay. Such a program would have requirements that are at least as protective as the requirements of California Public Resources Code Section 71200 *et seq.* (AB703) and subsequent regulations applicable to cruise ships that pertain to the management of ballast water for the control of non-indigenous species. The program will also include, at a minimum:

- review by the project sponsor of cruise lines' processes with relation to ballast water management;

- implementation of a reporting mechanism between the cruise ship line and cruise terminal operator that would include monitoring of operations while in San Francisco Bay;

- reporting by the cruise terminal operator to the U.S. Coast Guard and the State Lands Commission staff of all incidental or intentional discharges to the Bay;

- the establishment and facilitation of regular meetings between representatives of cruise lines, U.S. Coast Guard, the State Lands Commission, Regional Water Quality Control Board, the Port, the cruise terminal operator, at least one environmental organization whose primary stated purpose is to address San Francisco Bay water quality issues and the South Beach – Rincon Point CAC to address ship ballast water management. [D-3]

• Page 177 of Chapter IV., Mitigation and Improvement Measures, immediately following Mitigation Measure E.2, the following text for three new mitigation measures is added:

E.3 The project sponsor shall offer a reduced fee structure for cruise ships demonstrating the use of effective emission reduction systems through the use of low emission fuels, more efficient equipment or similar emerging technologies. To this end, the project sponsor will undertake the following actions:

- establish a working group with the purpose of establishing reduction criteria and corresponding fee incentives. This group will be established upon the approval of the cruise terminal project by the Port Commission. The group will include representatives from the cruise industry, Bay Area Air Quality Management District, the Port, the terminal operator and at least one environmental organization whose primary stated purpose is to address issues pertaining to air quality in the Bay Area.

- following consultation with the working group, adopt a fee incentive program prior to the commencement of cruise operations at Piers 30-32.

E.4 The project sponsor shall ensure that any equipment, including fork lifts, passenger linkways, back-up generators and the like, used primarily at Pier 30-32 and operated by the Port and/or the cruise terminal operator has lower emissions than existing diesel equipment for each respective use. The lower emission requirement may be achieved through the use of low emission fuels, more efficient equipment or similar emerging technologies.

E.5 The project sponsor shall require that all trucks and buses on the Cruise Terminal project shut down their engines within 5 minutes of parking at the project. [C-3]

• Page 191 of Chapter VI, Alternatives, at the end of the page, the following text for a new Reduced Building Height Alternative is added:

## 5. REDUCED BUILDING HEIGHT ALTERNATIVE

### DESCRIPTION

Under the Reduced Building Height Alternative, the development program on the seawall lot would be identical to that proposed as part of the project and the program on Pier 30-32 would be very similar to that of the proposed project, but the heights of buildings on both components of the project site would be reduced. (See Figures 36 through 38 for site plans of both components of the project site, as well as a second floor plan for Pier 30-32.)

Under this alternative, the seawall lot program would be identical to that of the project (350 residential units and 350 parking spaces), but the building heights would differ (see Figure 36). Specifically, the northeast tower would be reduced from 13 stories and 130 feet tall to 7 stories and 75 feet, the west tower would increase from 17 stories and 187 feet tall to 20 stories and 220 feet, while the southeast tower would remain unchanged. In addition, street level units along Bryant Street would be reduced from 6 stories and 70 feet tall to 5 stories and 50 feet, except the easternmost two units, which would be further reduced to 4 stories and 40 feet. Under this alternative, all of the buildings on the seawall lot other than the west tower would be consistent

with the property's height and bulk limits. A height reclassification would still be required to allow for construction of the 220-foot tall west tower proposed under this alternative.

With respect to Pier 30-32, this alternative would have an identical program to that of the proposed project, except that the retail space would be reduced 25,000 gsf, from 220,000 gsf to 195,000 gsf. The pier site plan, however, would be substantially redesigned, with the following principal changes: 1) the lagoon originally situated along the southern edge of the pier would be located closer to the center of the pier within the existing pier footprint, creating a focal point from which most of the pier buildings would be oriented and have access; 2) the street frontage of the buildings along The Embarcadero would be split, rather than being a continuous streetwall, allowing east-west pedestrian and visual access; 3) the parking would be constructed directly on the existing pier deck, rather than being constructed partially (four feet) below the pier deck and as a podium below office and retail space; 4) the secondary driveway off of The Embarcadero would be eliminated; 5) none of the non-terminal buildings would exceed the pier's height limit of 40 feet; and 6) less new pier deck would be constructed and therefore less new fill would be required.

## IMPACTS

Because this alternative would include one seawall lot building that would not comply with that property's height and bulk limits, this alternative would still require an exception to the Bulk District F limits and require a height reclassification to exceed 105 feet. Because this alternative would include pier buildings that would not exceed 40 feet (excluding the exempted terminal structure), no height reclassification would be required for the pier component of the project. Like the proposed project, this alternative would have less than significant effects related to land use, plans, and policies.

Like the proposed project, this alternative would not result in significant effects to views or any other aspect of visual quality. This alternative would, however, retain views from both public and private vantage points. The decreased height of development on the pier would not substantially improve views looking eastward towards the Bay and would not allow for greater visibility of the Bay itself from public rights-of-way, particularly on days when a cruise ship would be docked in the eastern berth. However, with no ship in the eastern berth, the reoriented pier site plan would allow for improved views of the Bay from The Embarcadero through the pier development. In addition, some private residences on the upper floors of nearby buildings that would not have their views impeded by development on the seawall lot would potentially have slightly improved views (when compared to the project) of the waterfront (looking east) as a result of the shorter buildings on the pier.

As a result of changes to the height of buildings on the seawall lot, private views looking eastward from residences on the upper floors of buildings to the west and northwest of the seawall lot would be substantially improved over the proposed project. The increased height of the west tower would likely partially or completely obstruct eastward looking private views that would not be obstructed under the proposed project. Views from The Embarcadero looking north, west, and southwest to the seawall lot would differ due to the redistribution of mass on the

seawall lot, but would generally have the same effect as some buildings would be shorter and the west tower would increase in height. Views looking southeast towards the Bay down Main Street would still be blocked by new development on the seawall lot, although the obstructing buildings would be shorter. The decreased height of development on the seawall lot would not, however, substantially improve views from public rights of way, looking either east (towards the waterfront) or west (from the waterfront) back to the seawall lot.

With respect to traffic, because this alternative would differ in program from the project only in terms of a slight reduction in the amount of retail space on the pier, this alternative would result in a corresponding slight reduction in the number of daily and PM peak hour person trips, but the slightly lower volume of vehicle trips would result in the same level of service at all of the study intersections under each of the scenarios analyzed for the proposed project. As such, none of the significant traffic impacts identified for the proposed project would be eliminated under this alternative. Because this alternative would eliminate the secondary driveway access to the pier from The Embarcadero, potential pedestrian conflicts at this driveway that could occur with the proposed project would not occur under this alternative. All other traffic, parking, and circulation effects would be the same as those for the proposed project.

Because this alternative would result in nearly the same amount of impervious surfaces and would have a very similar program as the proposed project, stormwater runoff and sewer system (including CSO) effects would be nearly identical to those of the proposed project, and would also be less than significant. Similarly, shipping related effects on water quality, effects from dredging for the two berths, and impacts from land-based and water-based construction activities would be identical to those of the proposed project.

Like traffic effects, air quality effects under this alternative would be slightly improved over the proposed project, but would not result in any perceivable differences. Ship-related emissions would be identical to those of the proposed project and vehicle emissions from the slight decrease in vehicle trips would be essentially the same. Therefore, the two significant impacts identified for the proposed project on regional air quality and cumulative regional air quality would remain significant, even with mitigation. Local and pollutant concentrations and construction-related air effects (with implementation of the mitigation identified for the project) would be very similar to those of the proposed project and therefore would remain less than significant.

Although under the Reduced Building Height Alternative building forms and heights would be different (generally smaller, except for the west tower) on the seawall lot and Pier 30-32 compared to the proposed project, the net effect on shadows cast by buildings on that site would not change substantively. Shadows cast by the taller tower at the western corner of the site would be slightly longer, particularly in the morning hours year-round, but like the proposed project would have very limited less than significant effects. Similarly, shadows cast by the shorter seawall lot buildings and pier building along The Embarcadero would be shorter, particularly in the morning hours year-round, and would continue to have less than significant effects. While the different seawall lot building forms would result in slightly different wind speeds at particular points, the average wind speeds for the entire site would remain unchanged and effects would still

be less than significant. Shadow and wind effects on Pier 30-32, despite generally lower buildings and one taller building, would be very similar to those of the project.

Effects related to hazardous materials would be the same under this alternative as they would with the proposed project. Impacts associated with energy, noise, biological resources, soils and seismicity, historic architectural resources, archaeological resources, and public services and utilities would be nearly identical to those for the proposed project (as described in Section III.J, Other Environmental Issues Addressed in the 1997 Waterfront Plan EIR).

The Reduced Building Height Alternative would meet all of the project sponsor's objectives. [A-5]

# SECTION F
## APPENDICES

# APPENDIX A

## HISTORICAL CRUISE SHIP CALL DATA

# CRUISE PASSENGER STATISTICS
## • PORT OF SAN FRANCISCO •

| FISCAL YEAR | DEBARK | IN TRANSIT | EMBARK | TOTAL | CALLS | AVG PASS/CALL | % chg. |
|---|---|---|---|---|---|---|---|
| '82 / '83 | 27,964 | - | 29,336 | 57,300 | 52 | 1,102 | |
| '83 / '84 | 42,209 | - | 40,682 | 82,891 | 65 | 1,275 | 44.7% |
| '84 / '85 | 48,398 | - | 44,355 | 92,753 | 77 | 1,205 | 11.9% |
| '85 / '86 | 49,500 | - | 52,432 | 101,932 | 78 | 1,307 | 9.9% |
| '86 / '87 | 35,985 | - | 37,276 | 73,261 | 64 | 1,145 | -28.1% |
| '87 / '88 | 21,963 | - | 23,277 | 45,240 | 66 | 685 | -38.2% |
| '88 / '89 | 19,252 | - | 21,369 | 40,621 | 35 | 1,161 | -10.2% |
| '89 / '90 | 19,510 | - | 18,388 | 37,898 | 29 | 1,307 | -6.7% |
| '90 / '91 | 16,551 | - | 16,208 | 32,759 | 35 | 936 | -13.6% |
| '91 / '92 | 24,661 | - | 25,757 | 50,418 | 37 | 1,363 | 53.9% |
| '92 / '93 | 9,465 | 8,500 | 22,015 | 39,980 | 38 | 1,052 | -20.7% |
| '93 / '94 | 18,482 | 11,357 | 18,746 | 48,585 | 37 | 1,313 | 21.5% |
| '94 / '95 | 22,693 | 11,926 | 27,260 | 61,879 | 47 | 1,317 | 27.4% |
| '95 / '96 | 23,738 | 10,439 | 24,555 | 58,732 | 44 | 1,335 | -5.1% |
| '96 / '97 | 22,779 | 15,046 | 29,025 | 66,850 | 54 | 1,238 | 13.8% |
| 97 / '98 | 23,515 | 15,698 | 24,833 | 64,046 | 42 | 1,525 | -4.2% |
| 98 / '99 | 13,136 | 11,436 | 16,400 | 40,972 | 29 | 1,413 | -36.0% |
| Actual '99 / '00 | 26,469 | 11,652 | 30,122 | 68,243 | 37 | 1,844 | 66.6% |

| CALENDAR YEAR | DISEMBARKs | In Transit | EMBARKs | TOTAL | CALLS | AVG PASS/CALL | % chg. | |
|---|---|---|---|---|---|---|---|---|
| '85 | 50,197 | - | 52,491 | 102,688 | 77 | 1,334 | | |
| '86 | 46,821 | - | 46,454 | 93,275 | 77 | 1,211 | -9.2% | |
| '87 | 28,646 | - | 26,140 | 54,786 | 45 | 1,217 | -41.3% | |
| '88 | 19,138 | - | 17,567 | 36,705 | 34 | 1,080 | -33.0% | |
| '89 | 19,017 | - | 20,593 | 39,610 | 29 | 1,366 | 7.9% | |
| '90 | 18,665 | - | 16,830 | 35,495 | 32 | 1,109 | -10.4% | |
| '91 | 21,587 | - | 20,698 | 42,285 | 32 | 1,321 | 19.1% | |
| '92 | 23,526 | 9,351 | 23,271 | 56,148 | 34 | 1,651 | 32.8% | |
| '93 | 17,540 | 7,890 | 17,324 | 42,754 | 33 | 1,296 | -23.9% | Pkg. |
| '94 | 20,575 | 13,746 | 21,706 | 56,027 | 44 | 1,273 | 31.0% | Factor |
| '95 | 26,845 | 7,724 | 31,626 | 66,195 | 49 | 1,351 | 18.1% | 1.7% |
| '96 | 17,966 | 15,723 | 19,185 | 52,874 | 47 | 1,125 | -20.1% | |
| '97 | **28,294** | **16,150** | **33,019** | **77,463** | **52** | 1,490 | 46.5% | 1.3% |
| '98 | 10,606 | 11,380 | 11,884 | 33,870 | 27 | 1,254 | -56.3% | |
| 99 | 29,213 | 15,347 | 34,978 | 79,538 | 45 | 1,768 | 134.8% | 1.6% |
| 2000 | 25,534 | 15,716 | 28,804 | 70,054 | 40 | 1,751 | -11.9% | |
| Actual 2001 | **21,645** | **17,644** | **25,899** | **65,188** | **41** | **1,590** | -6.9% | |
| Est. 2002 | **35,026** | **20,133** | **35,834** | **90,993** | **42** | **2,167** | 39.6% | |

Please note that only boxed figures include transit passengers. We estimate approximately 9,351 passengers in 1992, but have no record.

Actual Transits 1993 = **7,890** (Includes Royal Viking Sun)

| *1999 Calendar Year CALLS by TRADE* | | *2000 Calendar Year CALLS by TRADE* | | *2001 Calendar Year CALLS by TRADE* | | *2002 Calendar Year CALLS by TRADE* | |
|---|---|---|---|---|---|---|---|
| Round-the World / Extended | | Round-the World / Extended | | Round-the World / Extended | | Round-the World / Extended | |
| 5 | 11% | 8 | 20% | | 0% | | 0% |
| Alaska | | Alaska | | Alaska | | Alaska | |
| 36 | 80% | 28 | 70% | 28 | 88% | 28 | 88% |
| Other | | Other | | Other | | Other | |
| 4 | 9% | 4 | 10% | 4 | 13% | 4 | 13% |

cc: Louise Anderson / Larry Brown / Peter Dailey / Stephanie Downs / Ben Kutnick / Denise Turner / Mary Ellen Wriedt

# APPENDIX B

## ALTERNATIVES COMPARISON TABLE FOR CRUISE TERMINAL PROJECT

## CRUISE TERMINAL PROJECT

## COMPARISON OF PROJECT IMPACTS WITH IMPACTS ASSOCIATED WITH EACH PROJECT ALTERNATIVE

| Issue | Project | No Project Alternative | Seawall Lot Hotel Alternative | Pier 30-32 Reduced Intensity Alternative | Seawall Lot Reduced Intensity Alternative | Reduced Building Height Alternative |
|---|---|---|---|---|---|---|
| | | | | | | |
| Land Use | LTS | LTS | LTS | LTS | LTS | LTS |
| Visual Quality | LTS | LTS | LTS | LTS | LTS | LTS |
| Transportation, Circulation, and Parking | • Traffic – Existing + Project: Significant impacts at five intersections (Second/King, Third/King, The Embarcadero/Bryant, Harrison/Fremont, and Harrison/First) under all scenarios. With mitigation, only The Embarcadero/ Bryant intersection in the Weekend peak hour would improve to LTS. All others would be significant and unavoidable. | LTS | Same significant impacts as project. | Same significant impacts as project, except Second/King and Third/King would improve to LTS. | Same significant impacts as project. | Same significant impacts as project. |
| | • Traffic – Cumulative 2020: Significant impacts at eight intersections (The Embarcadero/ Howard, The Embarcadero/Folsom, The Embarcadero/ Bryant, The Embarcadero/Brannan, Harrison/Fremont, Harrison/First, Second/King, and Third/King) under all scenarios. With mitigation, only The Embarcadero/Bryant intersection in the Weekend peak hour would improve to LTS. All others would be significant and unavoidable. | LTS | Same significant impacts as project. | LTS | Same significant impacts as project. | Same significant impacts as project. |
| | • Transit: All Existing + Project impacts would be LTS. Significant cumulative impact for contribution to MUNI southeast screenline. With mitigation, impact would improve to LTS. | LTS | Same significant impacts as project. | LTS | Same significant impacts as project. | Same significant impacts as project. |
| | • Parking/Bicycles: LTS | LTS | LTS | LTS | LTS | LTS |
| | • Loading/Pedestrians: LTS with mitigation. | LTS | Same LTS impact with mitigation as project. | Same LTS impact with mitigation as project. | Same LTS impact with mitigation as project. | Same LTS impact with mitigation as project. |

LTS = Less than significant impacts.

## CRUISE TERMINAL PROJECT

## COMPARISON OF PROJECT IMPACTS WITH IMPACTS ASSOCIATED WITH EACH PROJECT ALTERNATIVE (Cont.)

| | | | | | | |
|---|---|---|---|---|---|---|
| Hydrology and Water Quality | • Cruise ship discharges: LTS with mitigation.<br><br>• Dredging and all other water quality: LTS. | LTS<br><br>LTS | Same LTS impact with mitigation as project.<br><br>LTS | Same LTS impact with mitigation as project.<br><br>LTS | Same LTS impact with mitigation as project.<br><br>LTS | Same LTS impact with mitigation as project.<br><br>LTS |
| Air Quality | • Construction: Significant, but would improve to LTS with mitigation.<br><br>• Vehicle/ship criteria air emissions: Significant and unavoidable. Related cumulative regional impact would also be significant and unavoidable.<br><br>• CO concentrations and TACs: LTS. | LTS | Same as project.<br><br>Same as project.<br><br>Same as project. | Same as project.<br><br>Same as project.<br><br>Same as project. | Same as project.<br><br>Same as project.<br><br>Same as project. | Same as project.<br><br>Same as project.<br><br>Same as project. |
| Shadow | LTS | LTS | LTS | LTS | LTS | LTS |
| Wind | LTS | LTS | LTS | LTS | LTS | LTS |
| Hazardous Materials | LTS | LTS | LTS | LTS | LTS | LTS |
| Growth Inducement | LTS | LTS | LTS | LTS | LTS | LTS |

LTS = Less than significant impacts.

# CHAPTER IX

## SAN FRANCISCO CRUISE TERMINAL MIXED-USE PROJECT AND BRANNAN STREET WHARF PROJECT

### REVISIONS TO THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT


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A. Board of Supervisors Motion No. M02-100, as amended, July 1, 2002
B. California State Lands Commission, letter of May 9, 2002
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# CHAPTER I
## INTRODUCTION

On May 28, 2002, Bluewater Network timely filed an appeal of the San Francisco Planning Commission's certification of the Final Supplemental Environmental Impact Report (FSEIR) for the proposed San Francisco Cruise Terminal Mixed-Use Project and Brannan Street Wharf Project (Planning Department Case File No. 2000.1229E). At its June 24, 2002 meeting, the San Francisco Board of Supervisors adopted Motion No. M02-100 (attached as Appendix A) which upheld the appeal of the certification of the FSEIR. The Board's motion remanded the FSEIR back to the Planning Department and directed the Department to revise the FSEIR to respond to seven specific directives included in the Board's Motion.

Chapter II of this document provides specific responses to each of the Board's directives. Chapter III provides revisions to the Environmental Setting and Impacts section of the FSEIR, Chapter IV provides revisions to the Mitigation and Improvement Measures of the FSEIR, and Chapter V provides revisions to the Comments and Responses section of the FSEIR, all in response to the Board's directives.

As changes to the chapters of the FSEIR were limited to specific sections, only the sections of each chapter of the FSEIR that contain revisions have been included herein; thus the remaining text in the original FSEIR is unchanged. In each section that has been reproduced, new text has been double underlined and deleted text has been ~~struck-through~~ for the reader's ease in recognizing text changes.

At such time that the FSEIR is re-certified, the final document will include all the revisions shown herein with underlines removed.

# CHAPTER II
## RESPONSES TO BOARD OF SUPERVISOR'S DIRECTIVES

The Board of Supervisor's directives (in *italics*), as contained in Motion No. M02-100 and the responses to them, are provided below.

***Directive 1.*** *"More fully respond to the comments of the State Lands Commission in its May 9th 2002 letter to the Planning Commission, and incorporate text corrections in the SEIR."*

***Response***

The nine comments raised in the State Lands Commission's May 9th letter are summarized in italics and responded to below. The May 9th letter is included in its entirety in Appendix B, while a follow-up June 24th letter submitted by the State Lands Commission is included as Appendix C.

*SLC -1. Provide supporting documentation for the statement that adverse impacts associated with non-indigenous aquatic species in San Francisco Bay as a result of cruise ships is believed to be relatively low. Most researchers working on ballast water related issues believe that the quality of ballast water discharged is more important than the quantity of water discharged. Furthermore, holding time for ballast water has been shown to be a key indicator of risk and cruise ships have shorter holding times than other ships.*

The FSEIR recognizes and states that the quality of ballast water discharge is more important than the quantity of discharge. Even small quantities of ballast water containing aquatic nuisance organisms can pose a threat to the San Francisco Bay ecosystem. It further concludes that the impact of ballast water discharge resulting from cruise ships associated with the project is a potentially significant environmental impact requiring mitigation. The discussion in response to the State Lands Commission January 2, 2002 letter is intended to indicate that the potential risk posed by cruise ships may be low in comparison to cargo ships and tankers because they travel within the same bioregion (eastern North Pacific) as well as discharge much lower volumes of ballast water. The definition of a bioregion was put forth in recent studies documenting the fact that San Francisco Bay may be the most invaded estuary in the world and that the rate of that invasion appears to be accelerating (Cohen and Carlton, 1995; Cohen and Carlton, 1998). In those studies the definition of a species invasion was that of a species being transported from one of 11 global bioregions to another. The threat and significance of transport of aquatic nuisance species within a bioregion was not specifically addressed. The response also noted that the field of ballast water management is in flux due to new state and federal laws, ongoing research by many entities, and the emergence of new technologies. The response further stated that there are currently no accepted quantitative methods for evaluating the probability of an invasive species impact as a result of ballast water discharge.

The FSEIR, Section D, Hydrology and Water Quality, text as shown on pages 20-25 and 29-32 has been amended to provide more detail on the current ballast water regulatory and research context as well as to more specifically describe the potential significance of ballast water discharges.

*SLC-2. The quantity of ballast water is likely not a key factor associated with the risk of invasions, Researchers have identified several factors that contribute elements of risk for invasions including short voyage time, patterns of repeated delivery from same donor locations, and the match of environmental conditions of ballast water delivered. The majority of cruise vessels use near-shore shallow water for ballast, are on set repeated voyages, do not conduct mid-ocean ballast exchanges, and have short duration voyages. Consequently, the Commission believes ballast water discharged from cruise vessels may pose more of a threat to receiving waters and that the Port should sponsor further studies of the potential impact.*

The FSEIR pointed out that the source waters for ballast may also be an important factor in determining the risk of aquatic nuisance species invasion and the threat posed by an invasion. It is also true that most cruise ships do not conduct mid-ocean ballast exchanges authorized by California State Law since they typically travel within 20 miles of the coast and mid-ocean is defined in the law as at least 200 miles offshore and that because of the nature and distance of cruise ship voyages, survivability of organisms may be higher in cruise ship ballast discharges than for ships coming from a greater distance and for which a mid-ocean ballast water exchange is conducted. Given these factors and the current uncertainties in the research community's understanding of specific ballast water impacts, Mitigation Measure D.2 establishes a program to prohibit all discharges of ballast water to San Francisco Bay by cruise ships calling at the Port. Further, the mitigation measure provides for an advisory group to be formed that would advise the Port Commission on water ballast management issues, including enforcement. The FSEIR text, Chapter II, Section D, Hydrology and Water Quality, has been amended to reflect the new mitigation language.

*SLC-3. One of the key management requirements of the California law is for vessels to conduct a mid-ocean exchange prior to discharging ballast water into California water. Such an exchange is required because mid-ocean waters are less biologically diverse than near-shore waters also because mid-ocean organisms are less likely to survive than near-shore waters. Most commercial ships are able to comply with this requirement while cruise ships are not.*

It is agreed that conducting a mid-ocean ballast exchange is a desirable (and legally authorized) measure to reduce the potential for impacts resulting from aquatic nuisance species introductions. The FSEIR Section D, Hydrology and Water Quality Section, pages 20-25 and 29-32 has been amended to incorporate this information.

*SLC-4. The response to shore-based treatment should be reconsidered. The option of incorporating a treatment system into the project should be more fully evaluated and discussed in the document.*

The FSEIR has concluded that, at this time, a shore-based treatment option is not feasible. While economics was one factor, there were several other reasons for this conclusion. These reasons include: 1) that it remains uncertain whether a ship-based or shore-based system will prove the most effective approach in the long run; 2) uncertainty with regard to what the treatment standards would be for either treatment approach; and 3) uncertainty with regard to what regulations will be applicable in five years when the cruise ship terminal is projected to begin operations. As described in the seven page Response to D-6 to the State Lands Commission comments made in the January 2, 2002 letter to the San Francisco Planning Department, the ballast water management issue is a complex one, with still evolving laws and regulations, still developing treatment technology, and inconsistent standards. Even should on-shore treatment ultimately prove feasible, some ships may still need to treat their ballast water on-board due to varying ship retrofit capabilities. Finally, space is extremely limited on the pier structure to be used for the proposed cruise ship terminal and any dedication of space for a treatment facility would adversely affect the financial viability of the project.

*SLC-5. It is noted that the previous response indicated that the Port will ensure compliance with all laws relevant to ballast water discharge and asks whether the Port will prevent cruise ships from docking if the ships do not comply.*

The previous response on pages C&R 52-53 of the FSEIR stated that the existing State law "requires detailed record-keeping by vessels and authorizes the State Lands Commission, in coordination with the USCG, to take ballast water samples and to make other inquiries and inspections of vessels subject to the law." Moreover, as discussed on page C&R.47 of the FSEIR, the State law (AB703, now set forth in Public Resources Code sections 71200-71271) prohibits any state agency or commission from imposing requirements that differ from those set forth in AB 703 prior to January 1, 2004. Because the development of regulations implementing the State law is not complete, contract language between the Port and the cruise terminal lessee and the cruise ship operators will specify that all parties are required to comply with the implementing regulations and all other environmental regulations applicable to their operations. Should the cruise ship operators subsequently fail to comply with this contract language the Port would be able to take a range of actions, including ultimately denial of berth access.

*SLC-6. Ballast water discharge is likely to occur as a result of the project and the EIR should address this. Also, since the Port is relying on the State law to prevent cruise ship discharges of ballast water, what will happen once the law sunsets in January, 2004.*

The FSEIR evaluates in detail the potential impact of ballast water discharges resulting from the project. As mitigation, the revised FSEIR now prohibits all ballast water discharges from cruise ships in San Francisco Bay. Ballast water discharges in near-shore locations along the California coast will likely continue while pilot testing of ship-based treatment and other alternative methods for complying fully with AB703 requirements continue to be investigated. While it is true that AB703 will sunset at the end of 2003, it is expected, based on conversations with State Lands Commission staff (Maurya Falkner, personal communication, April 25, 2002), that a similar law will replace AB703 and it will be at least as stringent as current law. However, in the

FSEIR Section D, Mitigation Measure D.2 the Port has also committed to implement a program for ballast water management and enforcement that would have requirements at least as protective as the requirements of AB703 should it sunset and not be replaced.

*SLC-7. Please note that the U.S Coast Guard (USCG) does not enforce the California Ballast Water Law (AB703). USCG participation is voluntary in nature. Also the State Water Resources Control Board does not have enforcement authority over ballast water, which is currently exempt under the federal Clean Water Act.*

The statement regarding the Coast Guard was intended to recognize, as discussed on page C&R.52 of the FSEIR, and page 20 of this document, that AB 703 authorizes the State Lands Commission, in coordination with the Coast Guard, to take ballast water samples and to make other inspections of vessels subject to the law. While it is true that the State Water Resources Control Board does not currently have the ability to regulate water ballast discharges because of AB703 provisions, the Board has taken steps that could enable it to regulate non-native aquatic species under Section 303(d) of the Clean Water Act in the future.

*SLC-8. As previously stated the quality of ballast water is as important, if not more important, than the quantity.*

As discussed above, the FSEIR agrees with this observation. However, quality also includes factors such as the source waters being used for ballast. In the case of the cruise ships, travel is occurring entirely within one bioregion as currently defined by researchers in the non-indigenous aquatic species investigative field. These source waters would be expected to contain fewer non-indigenous organisms than source waters from other bioregions around the world. However, it is also true that ships arriving from those more distant bioregions are required to conduct mid-ocean ballast water exchanges which reduces their potential to introduce aquatic nuisance species. Consequently, the FSEIR finds a potentially significant impact and Mitigation Measure D.2 has been revised to require a program to prohibit all water ballast discharges into San Francisco Bay by cruise ships.

*SLC-9. Please supply documentation supporting the statement that infrequent discharges are expected. Does the applicant expect vessels to take on potable water or fuel while in port, which would then necessitate ballast water discharge?*

The Port does not anticipate that cruise ships docking at the Port would conduct activities that would necessitate ballast water discharges. Mitigation Measure D.2 now provides a program to prohibit all water ballast discharges into San Francisco Bay by cruise ships calling at the Port. The cruise ship operators have indicated that they can comply, and will do so by managing shipboard ballast in a less than optimal manner. Please refer to the FSEIR Section D, Hydrology and Water Quality, Mitigation Measure D.2 as revised.

***Directive 2a.*** *"Strengthen the mitigation measure addressing ballast water impacts by having the project sponsor initiate and maintain a program to prohibit cruise ships from releasing unauthorized ballast*

*water discharges into San Francisco Bay under requirements that are at least as protective as the requirements of California Public resources Code Section 71200 et seq. (AB 703) and subsequent regulations applicable to cruise ships that pertain to the management of ballast water for the control of non-indigenous species."*

***Directive 2b.*** *"Expand the role of the working group identified in Mitigation Measure D.2 to review and evaluate new technologies for treating ballast water, if and when approved by federal and state agencies, and to make recommendations to the project sponsor for incorporation of such technologies into the project or imposition of requirements on cruise vessels in the future,"*

***Response***

Mitigation Measure D. 2 in the FSEIR has been replaced with the following strengthened mitigation measure to reduce the potentially significant impact of ballast water discharge to San Francisco Bay to a less than significant level. Please also refer to Section III of this document to see the red-lined version on page 30 indicating changes in the mitigation measure from the prior version.

D.2 The project sponsors shall prohibit cruise ships using the proposed cruise ship terminal from releasing ballast water discharges into San Francisco Bay until such time as ballast water treatment is specifically authorized by a state or federal agency specifically empowered by statute to make such authorization. This prohibition shall be achieved by initiating and maintaining a program, prior to the use and operation of the proposed cruise ship terminal, which would have requirements that are at least as protective as the requirements of California Public Resources Code Section 71200 et seq. (AB 703) and subsequent regulations applicable to cruise ships that pertain to the management of ballast water for the control of non-indigenous species. The program will also include, at a minimum:

- review by the project sponsors of cruise lines' processes with relation to ballast water management;
- implementation of a reporting mechanism between the cruise ship line and the cruise terminal operator that would include monitoring of operations while in San Francisco Bay;
- reporting by the cruise terminal operator to the U.S. Coast Guard and the State Lands Commission staff of all incidental or intentional discharges to the Bay;
- the establishment of a mechanism and contract provision whereby the Port retains the right to deny berth access for those cruise ships that violate the prohibition of the discharge of ballast water into San Francisco Bay or are repeated/habitual offenders of the State ballast water law;
- the establishment of a water quality advisory group to the Port Commission of San Francisco (the Port) that would meet on a regular basis which would include representatives of cruise lines, U.S. Coast Guard, the State Lands Commission, Regional Water Quality Control Board, the Port, San Francisco Cruise Terminal LLC (SFCT), the cruise terminal operator, the San Francisco Bar Pilots, at least one

environmental organization whose primary stated purpose is to address San Francisco Bay water quality issues, and the Rincon Point-South Beach Citizens Advisory Committee to address ship ballast water management, and if necessary, enforcement. This advisory group would review and make recommendations on the components of the program to the Port Commission and shall also review and evaluate new technologies for treating ballast water when such technologies are approved by the appropriate federal or state agency or other agencies with statutory jurisdiction over approval of such technologies. The advisory group shall recommend to the Port Commission strategies to incorporate such new technologies that the group deems appropriate into the project or to impose requirements for such new technologies on cruise ships using the Piers 30-32 cruise terminal facilities.

***Directive 3.*** *"Include an improved explanation of the feasibility of cruise ship air quality mitigation measures suggested by the appellants and the Bay Area Air Quality Management District ("BAAQMD")."*

***Response***

In response to the Board of Supervisor's directive to expand the FSEIR, an expanded discussion of additional air quality mitigation measures is provided below and in an expanded response to the Bay Area Air Quality Management District Letter of January 16, 2002 submitted on the DSEIR (see page 39).

The appellants have suggested consideration of measures including, a) requiring reduced speeds of no more than 12 knots on entry from 20 miles out to sea, b) requiring ships to meet opacity standards equal to the state of Alaska, c) requiring auxiliary generators and boilers to operate only on #2 diesel fuel after entering port, and d) providing shoreside power for ships in the cruise terminal. The BAAQMD had specifically mentioned measures related to ship fuels, engines and other emerging technologies such as selective catalytic reduction, water injection, emulsified fuels, and installation of particulate traps in combination with low sulfur fuels. BAAQMD also suggested requiring inclusion of gas turbine engines in addition to diesel engines when maneuvering in San Francisco Bay. Finally both the appellants and the BAAQMD suggested the use of economic incentives, such as reduced fees, to encourage lower polluting ships.

The status and feasibility of these suggested measures is as follows:

a. Requiring Reduced Speeds. The U.S. Coast Guard is responsible for enforcing commercial vessel speed limits in the San Francisco Bay shipping channels and entrance channel. The maximum speed limit is currently 15 knots. The San Francisco Bar Pilots report that cruise ships and other large vessels approaching San Francisco Bay typically operate below this maximum speed when approaching the Gate or navigating within San Francisco Bay (source: Nyborg, personal communication, 2002). While imposing or enforcing speed limits in the San Francisco Bay shipping channels and entrance channel is not within the jurisdiction of the Port of San Francisco, the Port upon recommendation by the advisory group could in turn make recommendations to the U.S. Coast Guard to reduce ship speeds. Recommendations for a reduction in ship speeds would be considered by the U.S. Coast Guard, taking into account safety and other considerations, which are the bases for setting the speed limit. The advisory group that would be created as described under revised Mitigation Measure E.3

would review and consider reduced ship speeds and would be able to make recommendations to the Coast Guard regarding the need for further controls.

A Voluntary Commercial Cargo Ship Speed Reduction Program has been in effect since May 2001 for large ships, including cruise ships, entering and leaving the Ports of Los Angeles and Long Beach. The purpose of this program is to reduce air pollution in the South Coast Air Basin. According to the Port of Los Angeles, cruise ships are among the most compliant in the program (source: Manny Aschemeyer, LA/LB Marine Exchange, personal communication, July 2002; T.L. Garrett, Port of Los Angeles Environment Department, personal communication, October 2002).

b. Opacity Standards. Opacity refers to the ability of smoke or other visible air emissions to attenuate light, and therefore reduce visibility. Some jurisdictions, such as the State of Alaska, have established opacity standards to which ships, including cruise ships, must adhere. Bay Area Air Quality Management District regulations (Regulation 6, Particulate Matter and Visible Emissions) state that "a person shall not emit from any source for a period or periods aggregating more than three minutes in any hour an emission equal to or greater than 20% opacity (personal communication, Henry Hilken, 2002)." Given the low number of cruise ships currently entering and projected to enter San Francisco Bay relative to cargo and tanker ships, application of opacity standards to cruise ships may not appreciably reduce any potential opacity related impacts. While the Port of San Francisco has no regulatory authority to establish and enforce specific opacity standards, the Port, upon recommendation of the advisory group, could in turn make recommendations to the Bay Area Air Quality Management District to establish and/or enforce opacity standards specific to cruise ships. In addition, the advisory group to be created as described under revised Mitigation Measure E.3 is charged with reviewing and considering measures to reduce air emissions, and the Port will establish an incentive program to reduce air emissions through new engine technologies and other means prior to operation of the new terminal. Use of new engine technologies and other measures would also address opacity concerns.

c. Auxiliary Generator Fuel Requirements. When a cruise ship ties up at port, the engines are typically idled and the ship's power is then dependent on an auxiliary engine which could utilize low sulfur or other environmentally acceptable fuels in lieu of diesel fuels. Promoting the use of cleaner burning fuels has been incorporated into Air Quality Mitigation Measure E.3. As revised, under this measure the Port would adopt an incentive program prior to the commencement of cruise operations at Piers 30-32 that would include reduced fees for ships meeting or exceeding emissions reduction criteria established through the advisory group process. The program also would include promotion and recognition by the Port of cruise lines that use low-sulfur or other environmentally acceptable fuels, in addition to reduced emission system technology.

d. Use of Low-Sulfur Fuels. California regulations currently limit diesel fuel to a sulfur content no greater than 500 ppm (equivalent to a 0.05% sulfur content in the diesel fuel). Standard marine diesel fuel contains around 2% sulfur. The California Air Resources Board (CARB) plans to adopt a 15 ppm ultra-low sulfur fuel standard for on- and off-road vehicles in the near future but has not yet established a timetable for that action. Some refineries in California are already producing this ultra-low sulfur fuel and others can be expected to follow suit as regulators move forward in implementing the lower standard. A State Assembly Bill (AB 2135) was passed and signed into law in 2000 that requires all diesel powered vessels operating exclusively in California and engaged in the commercial transport of passengers to meet CARB standards for fuel formulation. This means that, once CARB

lowers the sulfur standard to 15 ppm, all ferries operating in the State will need to meet that standard.

It would be technically feasible for other ships not meeting the exclusive California operation criterion, such as cruise ships, to use low sulfur fuel when entering state waters. Some increased costs for the lower sulfur fuel would be incurred. Promoting the use of cleaner burning fuels has been incorporated into Air Quality Mitigation Measure E.3. As revised, under this measure the Port would adopt an incentive program prior to the commencement of cruise operations at Piers 30-32 that would include reduced fees for ships meeting or exceeding emissions reduction criteria established through the advisory group process. The program also would include promotion and recognition by the Port of cruise lines that use low-sulfur or other environmentally acceptable fuels, in addition to reduced emission system technology.

e. Selective Catalytic Reduction. Selective Catalytic Reduction (SCR) employs a chemical process to reduce diesel engine exhaust (specifically NOx) by using a catalyst and a chemical additive sprayed into the exhaust up-stream of the catalyst. Because SCR systems are "poisoned" over time by the presence of high sulfur content fuel, SCR technology works best when used with no or very low sulfur content fuels (John J. McMullen Associates, Inc., May 2, 2002, *New Technologies and Alternative Fuels: Working Paper on Alternative Propulsion and Fuel Technology Review*). While SCR technology can reduce NOx emissions from ship engines by as much as 95%, this technology is still considered developmental at this time, in part because of the requirement for ammonia storage on the ship. A safer alternative (urea solution) is currently being studied. Thus far, only about 40 marine vessels employ SCR in the world and this technology is thus not yet considered feasible for widespread application to cruise ships (Danska, Fred, Wartsilla, Ltd., *"Existing and Envisaged Emissions Control Techniques for Ship Engines,"* paper presented at the AWMA International Conference on Impacts of Liquid and Atmospheric Emissions from Ships, Vancouver, Canada, April 2002). Under revised Mitigation Measure E.3, the Port would adopt an incentive program prior to the commencement of cruise operations at Piers 30-32 that would include reduced fees for ships meeting or exceeding emissions reduction criteria established through the advisory group process. The program also would include promotion and recognition by the Port of cruise lines that use low-sulfur or other environmentally acceptable fuels, in addition to reduced emission system technology. In addition, the advisory group is charged with reviewing and making recommendations to the Port regarding measures to reduce air emissions.

f. Water Injection/Emulsified Fuels. This method can also reduce both NOx and $PM_{10}$ emissions substantially and entails either injecting water directly into the combustion chambers of a diesel engine or using a diesel fuel that contains a water emulsion such as PuriNOx. In either case the presence of water reduces the maximum temperature in the combustion zone, thus limiting the formation of NOx from the dissociation of nitrogen and excess oxygen. Because the direct injection of water can lead to corrosion of the engine, an emulsion of water mixed with PuriNOx is used. This substance is manufactured by Lubrizol and is readily available at outlets in the U.S., including in California. While diesel trucks presently use this approach to reduce NOx emissions, it has not yet proven feasible for wide-spread application to cruise ships because of the large size of commercial marine engines (Danska, 2002). Under revised Mitigation Measure E.3, the Port would adopt an incentive program prior to the commencement of cruise operations at Piers 30-32 that would include reduced fees for ships meeting or exceeding emissions reduction criteria established through the advisory group process. The program also would include promotion and recognition by

the Port of cruise lines that use low-sulfur or other environmentally acceptable fuels, in addition to reduced emission system technology. In addition, the advisory group is charged with reviewing and making recommendations to the Port regarding measures to reduce air emissions.

g. Catalytic Particulate Traps. Catalytic particulate traps systems can be employed to filter out $PM_{10}$, reducing emissions by about 85%. They are currently employed on new diesel trucks but must be used in combination with ultra-low sulfur fuel in order to prevent the formation of sulfuric acid. Presently, there are no catalytic filter traps readily available for large marine engines. For this reason, it is not yet considered feasible for wide-spread application to cruise ships (Danska, 2002). Under revised Mitigation Measure E.3, the Port would adopt an incentive program prior to the commencement of cruise operations at Piers 30-32 that would include reduced fees for ships meeting or exceeding emissions reduction criteria established through the advisory group process. The program also would include promotion and recognition by the Port of cruise lines that use low-sulfur or other environmentally acceptable fuels, in addition to reduced emission system technology. The advisory group would review and make recommendations to the Port regarding measures to reduce air emissions. In addition, the advisory group is charged with reviewing and making recommendations to the Port regarding measures to reduce air emissions.

h. Other Engine Efficiency Measures. The injection timing of diesel ship engines can be "retarded" by four degrees, reducing NOx emissions by about 25%. This approach is being used on stationary engines and on some truck fleets and would be feasible for application to cruise ships. However, $PM_{10}$ emissions may increase slightly. Also, diesel engines can be designed to include common-rail injection systems that deliver the fuel to the combustion cylinders under very high pressures to produce a finer aerosol that in turn burns more efficiently and thereby emits fewer air pollutants. Major changes to the engine are required to incorporate a common rail system, and only a few engines worldwide currently use this technology (Danksa, 2002). While technically feasible, it is not yet considered feasible for wide-spread application to cruise ships because of the large size of commercial marine engines.

i. Use of Gas Turbine Engines. Gas turbine engines can be used on ships in addition to diesel engines to provide more flexibility in operations. Gas turbine engines produce much lower emissions of NOx and $PM_{10}$ than diesel engines. This system is presently being used on a number of ships throughout the world, which are referred to as "electric" vessels. While retrofitting existing cruise ships to accommodate gas turbine engines along with diesel engines is technically possible, it is not economically feasible because of the extensive rework involved. Typical ships with diesel engines have a direct drive to the propeller shaft from the engine; whereas ships with turbine engines do not have a direct drive. This is because turbine engines are not very responsive to quick changes in torque, which is required for acceleration or braking. Turbine engines on ships are used to run electric generators, which then supply power to electric motors. The electric motors, which are very responsive to changes in torque, are then used to power the ship. Therefore, changing from diesel engines to turbines would require major changes in engine and drive systems, which would not be economically feasible because of the extensive rework involved.

j. Reduced Fee Incentives. Some ports, most notably those in Scandanavia, have adopted fee reduction programs tied to reductions in NOx and sulfur emissions from ships. This is a feasible measure for the Port of San Francisco to apply to the project and such a program will be developed and adopted by the Port in consultation with the advisory group that will be

created under Mitigation Measure E.3 prior to the commencement of cruise ship operations at Piers 30-32 (see response to Directive 4, below).

k. Shoreside Power. A number of ports have considered shoreside power to be used for ships at dockside, but few have thus far implemented such a program to date. While it appears promising in the longer term as a means to reduce ship air emissions generally, it is not currently feasible because substantial technical and cost considerations remain to be resolved. The Port of Seattle recently examined the feasibility of installing a shore-based power system for its proposed cruise ship terminal expansion project. The Port has elected not to proceed with such a system given its high estimated cost ($5 million) and concerns that it could not be implemented within the desired project timeframe (source: Barbara Cole, Port of Seattle, Environmental Services Department, personal communication, August 2002).

The Port of Los Angeles has also looked into the feasibility of installing a shore-based power system at its facilities but has concluded that too many technical questions remain at this time to successfully implement such a system (source: T.L. Garrett, Port of Los Angeles, Environmental Management Division, personal communication, August 2002). The Port was approached in recent years by a fuel cell manufacturing company proposing conceptually to provide shore-based power to ships using fuel cells mounted on barges. Consequently, the Port worked with the South Coast Air Quality Management District to adopt a rule that allows for the trading of air emission credits should such a system be demonstrated to be feasible and implemented in the South Coast Air Basin. Since the rule was adopted two years ago, however, the fuel cell company has yet to come forward with a specific proposal.

One system that has been installed has been in Alaska. In that instance, the Alaska Electric Light and Power Company and Princess Cruises jointly invested in the construction of a power station on the South Franklin docks of Juneau, Alaska. The $4.5-$5 million power facility allows the Princess Cruises ships to shut down their diesel generators that typically power the ship while it is docked. The installation includes a local shore-side transformer with approximately one mile-long cables that draw power from the national grid. Cables are set in a gantry crane so the end plug can vertically align with the ship even with 20 foot tidal swings. This power facility produces up to 13 megawatts of hydroelectric power.

Princess Cruises has outfitted four ships to be able to connect to the electrical system and expects to have a fleet of five ships using the system by the end of 2002. The retrofit cost for each ship is approximately $500,000. Each Sun Class ship (2,200 passenger capacity) draws about 6-8 megawatts, and a Grand Class ship (3,300 passenger capacity) draws about 9 megawatts. To put these power draws in context, the combined capacity of the Hunters Point and Potrero power plants in San Francisco is 635 megawatts, and the peak demand for the entire city is 850 megawatts. As such, powering up a single cruise ship could represent 1% to 1.5% of the City's entire power capacity and about .7% to 1% of citywide peak power demand.

It should be noted that these improvements are for one specific port, were designed for specific cruise ships (i.e., the Princess Cruises ships only), and had an advantage of an inexpensive source of power (hydroelectricity). There is not one such dominating cruise line expected to call at the Port of San Francisco. Such ship retrofits and on-line hookups may be feasible only with a high volume of vessel traffic (Princess Cruises is the dominant cruise ship line calling at the Port of Juneau). To create greater efficiencies, there would need to be a federal mandate standardizing shore-side power facilities with cruise ship retrofits. While it appears promising in the longer term as a means to reduce ship air emissions generally, it is

not currently feasible because substantial technical and cost considerations remain to be resolved.

It takes approximately 45 minutes to "power up" a Princess Cruise ship in Juneau. As there is no Juneau-like power facility along the urban waterfront in San Francisco, a similar process in San Francisco takes substantially longer. According to San Francisco Drydock, it currently takes 8-12 hours to power up a cruise ship and another 4-6 hours to disconnect the ship from the shore-based power system. Most of the cruise ships that currently visit and would be expected to visit San Francisco do not and would not stay in berth for these extended periods.

In summary, while not technologically or economically feasible at this time, providing shore-based power remains a longer term solution that would be continually evaluated by the Port of San Francisco and potentially implemented at such time that it becomes technologically and economically feasible.

***Directive 4.*** *"Strengthen the air quality mitigations by expanding the role of the working group to establish specific criteria for adoption by the project sponsor, that will reduce the air quality impacts of cruise ships using the project. The role of the working group should also encompass review and recommendation to the project sponsor for adoption of expanded mitigation measures, and recommendation for adoption of fee incentive programs to reward cruise lines that meet or exceed emissions reduction criteria. Such mitigation measures to be evaluated by the working group for adoption include (a) requiring ships to use low-sulfur diesel fuel while in port, (b) using technologies and fuels that reduce nitrogen oxide and PM emissions, (c) operational controls such as reduced speed on approach, and (d) requiring the project sponsor to contribute to programs that will result in the reduction of pollutants in the area."*

***Response***

Mitigation Measure E. 3 in the FSEIR has been replaced with the following strengthened mitigation measure to reduce the potentially significant impact of the project on air quality. Please also refer to Section III of this document on page 35 to see a red-lined version of the Mitigation Measure indicating changes from the previous version.

E.3 The project sponsors shall establish an emission reduction program that identifies specific air emissions criteria for cruise ships and includes incentives and other means that will reduce the air quality impacts of cruise ships using the Piers 30-32 terminal. To this end, the project sponsors will undertake the following actions:

- Establish an air quality advisory group to the Port Commission, meeting on a regular basis, with the purpose of establishing specific reduction criteria and corresponding incentives to reward cruise lines that meet or exceed the emissions reduction criteria. This group will be established upon the approval of the cruise terminal project by the Port Commission. The group will include representatives from the cruise industry, Bay Area Air Quality Management District, the Port, SFCT, the San Francisco Bar Pilots, the cruise terminal operator, the Rincon Point–South Beach Citizen's Advisory Committee, a local area public health organization, and at least one environmental organization whose primary stated purpose is to address issues pertaining to air quality in the Bay Area. This advisory group would make recommendations to the Port Commission to establish incentives that reduce air pollution emissions.

- The role of the advisory group shall also include review, and recommendations to the Port Commission, of the measures to address air quality impacts, including use of new, state-of-the-art technologies and alternative fuels, such as low sulfur content fuel, and reduced cruise ship speeds, if proven effective in reducing nitrogen oxide and $PM_{10}$ emissions. The advisory group may also make recommendations to the Port Commission on how to most effectively contribute to programs that will result in the reduction of pollutants in the area.

- Following consultation with the working group, adopt an incentive program prior to the commencement of cruise ship operations at Piers 30-32. This shall involve reduced fees for ships that meet or exceed the emissions reduction criteria and will also include Port recognition and promotion of cruise lines that are committed to environmentally responsible operations, including the deployment of ships using reduced emission system technology or cleaner burning fuel.

***Directive 5.*** *"Strengthen the mitigation for ship-related water quality to prohibit cruise ships from releasing any gray water, wastewater, or other hazardous material into San Francisco Bay."*

***Response***

Mitigation D.1 in the FSEIR has been replaced with the following strengthened mitigation measure to reduce the potentially significant impact of the project on water quality from discharges other than ballast water to less than significant. Please also refer to Section III of this document on page 30 to see the red-lined version that indicates changes from the prior version of the mitigation measure.

D.1 The project sponsors shall prohibit cruise ships using the Piers 30-32 cruise terminal from releasing incidental or intentional discharges to San Francisco Bay until such time as treated wastewater discharges are authorized by state or federal agencies specifically empowered by statute to make such authorization. (The federal government already imposes "no discharge" requirements for the Gulf of the Farallones and Cordell Bank marine sanctuaries.) The types of prohibited discharges would include sewage, gray water, hazardous waste, solid waste, and fuel or oil-related substances. This prohibition in San Francisco Bay will be achieved by initiating and maintaining a program that would include, at a minimum:

- a requirement that cruise ships comply with existing or future laws and regulations regarding discharge of sewage, gray water, hazardous waste, solid waste, and fuel or oil-related substances into San Francisco Bay;

- working with government agencies having jurisdiction over San Francisco Bay water quality to ensure compliance with the program;

- implementation of a reporting mechanism between the cruise ship line and cruise terminal operator that would include monitoring of discharge operations while in San Francisco Bay and, as necessary, sampling while at berth at Piers 30-32 to insure compliance with the discharge prohibition;

- reporting by the cruise ship terminal operator to the Coast Guard and the Regional Water Quality Control Board all incidental or intentional discharges to the Bay;

- the establishment of a mechanism and contract provision whereby the Port retains the right to deny berth access for those cruise ships that violate the prohibition or repeatedly carry out unauthorized wastewater discharges; and

- the establishment of a water quality advisory group to the Port Commission that would meet on a regular basis, which would include representatives of the cruise lines, Coast Guard, Regional Water Quality Control Board, the Port, San Francisco Cruise Terminal LLC (SFCT), the cruise terminal operator, the San Francisco Bar Pilots, at least one environmental organization whose primary stated purpose is to address San Francisco Bay water quality issues, and the Rincon Point-South Beach Citizens Advisory Committee to address cruise ship discharge issues. This advisory group would make recommendations to the Port Commission for the implementation and/or enforcement of measures to prohibit discharges into San Francisco Bay.

***Directive 6.*** *"Strengthen the discussion of TBT and its impacts in the EIR, using additional sources to illustrate the problem."*

***Response***

Anti-fouling paints are used to coat the bottoms of ships to prevent sea life such as algae and mollusks attaching themselves to the underwater hulls. The growth of such marine fouling adversely affects a ship's fuel usage, speed and economy. As little as 5% fouling on a tanker hull can increase costs by 17% and a 1-millimeter thick layer can cause a 15% loss in ship speed. Once fouling has occurred, the only lasting solution is docking to remove the growth and apply an anti-fouling paint system. (John A. Lewis, "Ship Anti-Foulants-Tributyltins and Substitutes," Defence Science & Technology Organization, Melbourne, Australia, 2001.) In the early days of sailing ships, lime and later arsenic were used to coat ships' hulls, until the modern chemicals industry developed effective anti-fouling paints using metallic compounds. These compounds slowly leach into the sea water, killing barnacles and other marine life that have attached to the ship. Studies have shown that these compounds persist in the water, killing sea life, harming the environment and possibly entering the food chain.

The most effective anti-fouling biocide has been the active ingredient of tributyltin (TBT). TBT by itself is unstable and will break down in the environment unless it is combined with an element such as oxygen. One of the most common TBT compounds is bis(tributyltin) oxide, or TBTO. TBTO and eight additional TBT compounds are registered for use as marine antifoulants, collectively known as TBT organotin biocides. These compounds slowly leach into the seawater, killing barnacles and other marine life that have attached to the ship hulls.

TBT was initially considered to be environmentally safe because it degrades rapidly into less toxic forms and ultimately inorganic tin. However, in the late 1970s, a link was established between the use of TBT and deformities in oysters. Effects on shellfish were subsequently noted in inshore waters worldwide, particularly around marinas, harbors, and semi-closed water bodies. It was found that in areas of high boat density and limited water circulation, the capacity of the marine environment to degrade the TBT was exceeded.

Numerous studies have shown that these compounds persist in the water, killing sea life, harming the environment and possibly entering the food chain.[1] Concentrations in harbors and bays in Britain, France and the United States were high enough to significantly affect oyster and mussel production. According to Extoxnet, the use of TBT in anti-fouling paints may cause TBT exposure to organisms such as mussels, clams, and oysters. TBT can cause structural changes and growth retardation. Imposex, the development of male characteristics in females, has been initiated by TBT exposure in several snail species. Oysters in France and England's marine waters are adversely affected by TBT exposure. TBT-exposed oysters have abnormal shell development, poor weight gain, and brittle shells (Extension Toxicology Network, "Tributlytin," September 1993).

Cruise lines that most frequently operate out of San Francisco state that they do not use TBT as an anti-fouling paint. Princess Cruise Lines states that they use a Sigma product alternative that does not contain TBT. The hulls of their vessels are generally repainted twice every five years (source: Alberto Daste, Princess Cruise Lines, personal communication, June 2002). According to Crystal Cruise Lines, anti-fouling paints are not used at all and their ships are free from TBT. Their ships normally get a refreshing coat each dry-dock occurring at two year intervals (source: Tom Greene and Octavio Sanchez, Crystal Cruise Lines, personal communication, June 2002). Holland America reports that they do not use TBT paint on their vessels and they paint their hulls during every drydock, which occurs at 30-month intervals (source: Richard Softye, Holland America, personal communication, June 2002). These cruise lines represent about 71% of cruise ship calls to San Francisco scheduled for 2002.

The likelihood of cruise ships arriving in SF Bay having TBT is remote because the EPA ban on TBT is already in effect. Cruise ships generally require dry-docking every two to three years; ships built before 1987 (before the EPA ban) would have likely needed to dry-dock at regular intervals since the ban came into effect. Therefore, by 2002 these ships would have received new coats of bottom paint that does not include TBT. In 2002, one cruise ship built before 1987, the American Independence, built in 1950, was scheduled to berth at Pier 35, the current San Francisco cruise terminal. However, this vessel was recently taken out of commercial operation and will be "mothballed" in Suisun Bay and eventually sold for scrap (source: Gerry Roybal, Port of SF, personal communication, July 2002). In 2003, two additional ships, built prior to 1987, are scheduled to visit the Port.

If a cruise ship is serviced in the United States, then TBT cannot be applied to the hull per the EPA ban. According to the IMO, various countries such as Canada, Japan, France, Holland, Sweden, South Africa and other EU countries have banned the use of TBT for vessels larger than 25 meters (source: International Maritime Organization, *Anti-fouling Systems: Moving Towards the Non-Toxic Solution*, April 1999). If a cruise ship is serviced elsewhere, then many countries have already banned the application of TBT. Although there is a dry docking facility in Vera Cruz, Mexico, they service a small portion, if any, of the cruise ships that would eventually arrive in San Francisco. It is unclear what the status of TBT regulation is in Mexico. SF Drydock believes that it

[1] Tributyltin (TBT Antifoulants: "A Tale of Ships, Snails and Imposex," in: Harremoes, P., Gee., D., McGarvin, M., Sterling, A., Keys, J., Wynne, B., Guedes Vaz, S. (eds.): Late lessons from early warnings: the precautionary principle 1896-2000, European Environment Agency, Copenhagen, 2001).

is not likely that TBT would be applied to the cruise ships likely to enter San Francisco Bay, but it is possible (source: Rich Haver, SF Drydock, personal communication, August 2002).

There are occasional cruise ships that do not regularly travel along the western Pacific coast (i.e., originate from non-western Pacific coasts). In 2002, there are two cruise ships that originate from Japan but, as noted, Japan has banned TBT use. There is one other cruise call in 2002, and as many as four in 2003 that originate from non-western Pacific ports. Of these potential cruise calls, it may be possible that some of these ships whose country of origin may not have a relevant TBT regulation and that TBT could be applied to their hulls. The small number of ships involved would constitute an extremely small fraction of expected cruise ship activity and a negligible portion of all cruise ship traffic into San Francisco Bay. As noted earlier, this should be eliminated if and when the IMO treaty is ratified.

Alaskan state law (SB 266, April 2000) prohibits cruise vessels painted with TBT from entering state waters after January 2001 (Robert Adamson, Oceans Blue Foundation, *Report on the International and Domestic Regimes Regulating Waste Streams and Other Marine and Terrestrial Environmental Impacts of Cruise Ship Operations*, February 2002). Currently, the majority of cruise ships from San Francisco travel to Alaska.

The Port has collected sediment samplings at Pier 35 where cruise ships currently berth. The results show TBT levels either below detection limits or, in one instance, at a relatively low level of 4.6 ppb (Harding Lawson Associates, 2000; Advanced Biological Testing 1994, 1996 and 1998).

Even with an increase in the number of cruise calls that would occur as a result of the proposed project, because of the limited, if any, number of cruise ships expected to call at the Port of San Francisco that currently use TBT and because by 2008 it is likely that no ships will be using it, TBT as a result of the project is not expected to be a significant threat to Bay water quality.

***Directive 7.*** *"Strengthen the discussion of Whale strikes in the SEIR, using additional sources such as National Marine Fisheries Service and Water Transit Authority."*

***Response***

Commenter is correct in noting that ship collisions with whales is a growing problem around the world as whale populations and ship activity increase. A recent scientific study of this issue concludes that "ship collisions probably have a negligible effect on the status and trend of most whale populations, but for very small populations or discrete groups, they may have a significant effect" (Laist, David W. et al, *Collisions Between Ships and Whales,* January 2001). The study further concludes that injuries noted on stranded ship-struck whales suggest that large vessels are the principal source of severe injuries to whales. Collision accounts suggest that serious injuries to whales occur infrequently at vessel speeds below 14 knots (nautical miles per hour, where a nautical mile is equivalent to about 1.15 miles) and rarely at speeds below ten knots. While cruise ships can travel at higher speeds when in the open ocean, they typically slow to well below those levels when nearing port and areas of higher ship activity (e.g. the approach to and within San Francisco Bay). Commercial ship traffic within and approaching San Francisco Bay is currently

subject to a maximum speed of 15 nautical miles (knots) per hour, enforced by the U.S. Coast Guard (Richard Lopez, U.S. Coast Guard, personal communication, August 2002). This speed limit applies when it is navigationally feasible (i.e., as long as it is safe). The San Francisco Bar Pilots, who pilot cruise vessels into the Bay, report that the average speed of cruise and other large commercial vessels once they enter the Bay is 10-12 knots (Peter McIsaac, San Francisco Bar Pilots, personal communication, July 2002).

The National Marine Fisheries Service (NMFS) keeps records on reported whale strikes along the California coast. According to NMFS, in recent years whale strikes by any large vessels have been infrequent for various species that travel along the California, Oregon and Washington coasts. Ship strikes along this coast were implicated in the deaths of one fin whale (balaenoptera physalus) in 1991, one in 1996 and one in 1997. Ship strikes were implicated in the deaths of four blue whales (balaenoptera musculus) in 1980, 1986, 1987, 1993 (and one subsequently reported in the press in 2002, but unconfirmed). Humpback whale (megaptera novaeangliae) strikes were reported for at least two whale strikes in 1993, one in 1995, and one other whale which may have been a humpback in 1997. Five grey whales (eschrichtius robustus) using the near shore migration route along the Pacific coast have been struck between 1993 and 1998. NMFS notes that additional mortality from ship strikes may go unreported because they do not always have obvious signs of trauma. No ship strikes of Bryde's whales (balaenoptera edeni) Sei whales (balaenoptera borealis), Sperm whales (physeter macrocephalus) and Minke whales (balaenoptera acutorostrata) and other whale species have been reported along the California to Washington coast during the 1995-1999 period.[2]

Communication with NMFS staff reveal that there are no NMFS records of a cruise ship colliding with a whale, although it was recognized that one reason may be that the cruise ships are large enough that they do not "feel" the collision and therefore do not report it. The NMFS reports that ship collisions with whales that have been reported have almost exclusively been associated with military (e.g. Navy) and freighter ship traffic. The San Francisco Bar Pilots report that they are responsible for an average of more than 8,000 vessel moves each year and are not aware of a single instance of a piloted ship colliding with a whale over the last 20 years (Russell Nyborg, San Francisco Bar Pilots, letter to San Francisco Planning Department, July 8, 2002).

Due to their winter migration pattern to and from Alaska, gray whales are generally present in San Francisco Bay during the months of December through May (Federal Register, November 26, 2001 Volume 66, Number 227). As the primary cruise season occurs in the months of May through October, there would be limited periods during which both significant numbers of cruise ships and whales would be expected in the Bay. Whales are present throughout much of the year in the ocean waters outside the Golden Gate and a collision with a cruise ship in those waters would be possible during the cruise season. However, based on data provided by the United States Coast Guard

2 James V. Carretta, Jay Barlow, Karin A. Forney, Marcia M. Muto and Jason Baker, "U.S. Pacific Marine Mammal Stock Assessments: 2001," U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Southwest Fisheries Science Center, NOAA Technical Memorandum NOAA-TM-NMSF-SWFSC- 317, pages 127-174; R.P. Angliss, D.P. DeMaster, and A.L. Lopez, "Alaska Marine Mammal Stock Assessments," 2001. NMSF-AFSC-124, pages 136-144.)

Vessel Traffic Service in San Francisco, in 2001 there were a total of 70,738 intra-Bay vessel trips that transited through central San Francisco Bay (this number does not include the additional 8,628 vessel trips that were to or from destinations outside of the Bay). The number of cruise vessels estimated to visit the Port of San Francisco is 69 in 2004 and 107 by 2020. Even assuming that all of these vessel calls would represent new trips within the Bay, these trips would represent less than one-fifth of one percent (0.2 percent) of the total vessel trips in the Bay. As such, the increase in the potential for whale strikes resulting from the additional vessel trips associated with the Cruise Terminal project would be considered negligible and therefore a less than significant impact.

The Water Transit Authority has recently released a Draft Program Environmental Impact Report on the proposed expansion of ferry service in the San Francisco Bay Area. With respect to whale strikes, the Draft EIR concludes the likelihood of a whale strike by a fast ferry in the expanded fleet would be "very low." In the Draft EIR, the Water Transit Authority recommends heightened ferry operator awareness, an improved ferry captain alert system and use of sonar technology (Water Transit Authority, August 2002, Draft Environmental Impact Report, *Expansion of Ferry Transit Service in the San Francisco Bay Area*).

# CHAPTER III

## TEXT REVISIONS TO THE ENVIRONMENTAL SETTING AND IMPACT SECTION OF THE FSEIR

The issues raised by the appellants and the responses to those issues have necessitated revisions to certain sections of the FSEIR. The Environmental Setting and Impacts section of the FSEIR is reproduced in this section with changes shown through the use of double underlining and ~~strike-through~~.

# ENVIRONMENTAL SETTING AND IMPACTS

## D. HYDROLOGY AND WATER QUALITY

### SETTING

#### *BALLAST WATER MANAGEMENT PROGRAM*

Effective January 1, 2000, the Ballast Water Management for Control of Nonindigenous Species Act established a statewide program (AB 703) to prevent or reduce the introduction and spread of nonindigenous aquatic species into the state waters. The program is under the direction of the California State Lands Commission in consultation with other state and federal agencies. The program requires that all vessels carrying ballast water must either conduct a mid-ocean exchange of ballast water or retain all ballast water on board the vessel. The exchange or replacement of all water in tanks must occur with ocean waters located more than 200 nautical miles from land and at least 6,560 feet deep. Vessels must comply with "good housekeeping" practices, including the following: avoiding uptake or discharge in or near marine sanctuaries or reserves; minimizing or avoiding uptake in areas of known infestations or pathogens; minimizing or avoiding uptake near sewage outfalls or near dredging operations; cleaning ballast tanks regularly to remove sediment; proper disposal of sediments; minimizing discharge amounts; and removing fouling organisms from hulls, pipes, etc. Vessel owners or operators must submit ballast water report forms to the California State Lands Commission and must maintain a Ballast Water Management Plan specific to each vessel (California State Lands Commission, 2001). ~~It should be noted that due to the relatively light load on cruise ships, these vessels discharge a relatively small amount of ballast water compared to the total amount discharged by other large vessels such as tankers and cargo ships.~~

Ships generally require the uptake and discharge of ballast water to compensate for changes in overall vessel weight due to changing load (e.g., for a cargo ship this would be when the ship was carrying a full cargo load vs. being empty). Compared to cargo ships and tankers, cruise ships require a low volume of ballast water due to their relatively light load and the minimal changes in weight (typically primarily associated with refueling) that they undergo before, after, or during cruises. Whatever ballasting is required for stability on cruise ships can frequently be offset by the potable water that each ship constantly makes and stores in its potable water tanks, or that it takes on at ports where potable water is available.

Ballast water discharges have been identified as a significant source for introducing non-indigenous aquatic nuisance species into water bodies such as San Francisco Bay. The majority of marine species have a small larval stage that can be readily taken into a ballast water tank in one part of the world and released into another. Even small quantities of ballast water containing aquatic nuisance organisms can pose a threat to the San Francisco Bay ecosystem. Past marine aquatic species invasions indicate that these introduced species can out-compete and displace native species, adversely affecting biological diversity, diminishing habitat value to other native species (including special status species) and also causing direct economic harm. Some of the better known West Coast invasions include the Japanese Mahogany Clam,

which was believed to be a ballast water introduction in the Northwest in 1991, the European Shore Crab, released in 1990 along with imported bait worms, and the Chinese Mitten Crab, released intentionally as part of an aquaculture operation in 1992 (*Introduced Species in U.S. Coastal Waters*, Pew Oceans Commission, 2001). San Francisco Bay has been established as the most invaded aquatic ecosystem in North America, with non-native species accounting for more than 90% of the species occupying some parts of the Bay (*Nonindigenous Aquatic Species in A United States Estuary: A Case Study of the Biological Invasions of the San Francisco Bay and* Delta, Cohen, Andrew N. and James T. Carlton, 1995).

AB 703 specifies four distinct methods for managing ballast water. Each of these methods and their applicability to the proposed project is discussed below.

1. Mid-Ocean Ballast Exchange: Exchanging ballast water outside what is called the Exclusive Economic Zone (EEZ), which extends out 200 miles from any shore, and in waters at least 6,560 feet deep before entering waters of the State. (AB 703 does provide for, under extraordinary conditions, conducting a ballast water exchange within an area within the EEZ when agreed to by the State Lands Commission.)

This method is a readily available technique that can be implemented by vessels arriving in the Bay from distant points across the Pacific. It is currently the primary method being employed by cross-Pacific cargo ships arriving in San Francisco Bay ports and can substantially reduce the potential effects of aquatic nuisance species introductions. However, this method is not 100% effective in removing organisms from ballast water and can involve substantial safety risks to vessels during adverse weather (*Aquatic Nuisance Species in Ballast Water Discharges: Issues and Options (draft)*, EPA, 2001). This method is also not feasible for most cruise vessels traveling to the Bay, since those ships typically do not cruise outside the EEZ.

2. Ballast Retention: Retaining the ballast water on board the vessel for the entire duration of the vessel's trip in State waters. This method offers a high level of protection against introductions of aquatic nuisance species. This method may be more feasible for cruise ships to apply than would the mid-ocean exchange approach due to their relatively low ballast volume and adjustment requirements (compared to similarly sized cargo vessels). At least one cruise line, Holland America, reports that they have recently been able to avoid any discharge of ballast water to California waters by operating with a less than optimal ballast load (Richard Softye, Holland America 2002, pers. comm.).

3. Discharge to Facility: Discharging the ballast water to an approved reception facility. The California Association of Port Authorities (CAPA) completed the *Feasibility of Onshore Ballast Water Treatment at California Ports* in September, 2000, that concluded that it would be technically possible to retrofit the vessels and wharves, construct onshore storage tanks and onshore treatment systems, and discharge treated water back to local waters. However, the study noted that the costs for such an approach would be orders of magnitude higher than the mid-ocean ballast exchange method and may not be economically feasible. No reception facilities have been approved for this use by the State, and none has been proposed for this facility.

4. Alternative Ballast Management: Employing an alternative environmentally sound method of ballast water management that has been approved by the State Lands Commission prior to the vessel's voyage and that is at least as effective as the mid-ocean exchange method. Development of alternative methods for managing ballast water has been an area of substantial research. However, the development of ballast water treatment technologies is at an early stage (CAPA, 2000). While both shipboard and onshore treatment systems are being explored, within North America pilot studies into the effectiveness of different treatment methods have focused on shipboard systems. For example, Princess Cruises, which operates in California waters, is currently testing a pilot shipboard treatment system that uses ultraviolet light as the disinfection agent.

## IMPACTS

### Shipping-Related Impacts on Water Quality (*Cruise Terminal project only*)

The proposed project would introduce a terminal for cruise ships and would result in increased use of the Bay for shipping and boating activity. Any shipping or boating activity would involve handling and storage of chemicals that could be discharged to surface waters. Potential pollutant sources from cruise ships include fuels, bilge or ballast water, boat cleaning and maintenance materials, chemicals and solvents used in on-board activities including dry cleaning and photo processing, sewage from toilets (also known as "black water") and gray water (includes shower, sink and galley water). However, standard cruise ship operations that would be implemented as part of the proposed project include provisions (i.e., on-board sewage treatment equipment and sewage "no discharge" zones) to protect Bay water quality from cruise ship discharges, and there are numerous regulations in place to protect water quality from impacts associated with maritime uses.

Fueling for the cruise ships would be arranged exclusively through local ship agents that would service the ships by bunkering from fuel barges. No fueling would occur from the deck of the pier. The ship agents would arrange for a fueling barge to pull alongside the cruise ship, and the fuel would be transferred from the barge to the cruise ship via hose. The amount of fuel taken on in San Francisco would depend on the ship's itinerary, the size of the ship and other factors, but would typically range from 500 to 1,500 tons of marine fuel. There are U.S. Coast Guard regulations and licensing requirements for the barges and the operators, with regular inspections of all of the equipment and periodic on-site monitoring. In addition, lube oil would occasionally be taken onto ships and waste oil occasionally removed from ships from service trucks on the pier.

While the potential increase in shipping and boating activity due to the proposed project could incrementally increase the potential for fuel spills to the Bay, compliance with existing regulations and implementation of standard prevention practices to protect the Bay from such spills would minimize potential risks. The Oil Pollution Act of 1990 amends Section 311 of the Clean Water Act to provide a comprehensive statute designed to expand oil spill prevention. Under this Act, cruise ships are prohibited from discharging oil or hazardous substances, in such quantities as may be harmful, into or upon U.S. navigable water or adjoining shorelines.

In addition to the U.S. Coast Guard regulations and licensing requirements for fuel barges, fuel spills to the Bay are regulated under provisions of the federal Oil Pollution Act and the California Oil Spill Response Act. Enforcement of these provisions is under the jurisdiction of the U.S. Coast Guard and the California Department of Fish and Game, with notification required to the RWQCB and the USEPA. The Port maintains an Oil Spill Prevention and Response Plan that provides an incident command system in the event of a major oil spill in the Bay near San Francisco, as well as fuel spill kits for smaller spills. Compliance with these regulations would minimize the potential for water quality degradation associated with fuel spills from increased shipping and boating activity. As such, the project would result in a less than significant impact. In addition, implementation of an improvement measure identified in the Waterfront Plan EIR would further minimize the potential for these impacts. This measure is included in Chapter IV of this report as Improvement Measure D.2, which recommends that the Port work with the City and other agencies to obtain and assure funding for annual updating of the San Francisco Oil Spill Prevention and Response Plan.

Under Section 303(d) of the Clean Water Act, San Francisco Bay has been listed as an impaired water body, at least in part because of exotic species (a contributor to water quality degradation) brought into the Bay from ballast water. As of January 2000, ballast water from all vessels in California is regulated under the Ballast Water Management for Control of Nonindigenous Species Act, as described above. Cruise ships and other vessels would be required to comply with the specified management, reporting and fee procedures specified in this program. However, due to the relatively light load that passengers and stores represent on cruise ships, these vessels discharge a relatively small amount of ballast water compared to the total amount discharged by other vessels. Nevertheless, compliance with these regulations would minimize the potential for introducing nonindigenous aquatic species to San Francisco Bay as well as protect Bay waters from other pollutants and contaminants present in ballast water.

Hazardous waste discharges associated with cleaning materials, paint, chemicals and solvents used in on-board activities such as dry cleaning and photo processing may be regulated under the Resource Conservation and Recovery Act, although the applicability to vessels is not clearly defined. Currently, the standard cruise ship procedures include no discharge of these substances to the Bay, and no changes to this procedure would occur under the proposed project.

Sanitary sewage from the cruise ships is typically treated on-board with approved marine sanitation devices that include holding tanks for disposal when appropriate. Pumpout of sanitary sewage from the cruise ships would not be conducted in San Francisco, and there would be no pumpout facilities included in the proposed project. Therefore, sewage from the cruise ships and boats would not affect Bay water quality in the project vicinity. Discharges of gray water, while not specifically restricted in the Clean Water Act (except in the Great Lakes), does not typically occur by cruise ships in the Bay, although incidental discharges could occur.

Since the existing regulations relating to cruise ship discharges are currently under evaluation by the USEPA and other relevant regulatory bodies, the adequacy and effectiveness of current regulations pertaining to water quality protection from cruise ship discharges could be subject to change. The increased operation of cruise ships associated with operation of the proposed cruise ship terminal, while typically complying with all applicable regulations, could potentially result in the degradation of water

quality. As such, the proposed Cruise Terminal project could result in a potentially significant impact to water quality. Regulatory review and actions to address this potential impact are in progress on a federal and state level, as previously discussed, and if implemented, these actions would likely mitigate potential impacts.

Thus, due to uncertainty in the effectiveness of existing regulations and the potential for discharges to occur (although such occurrences would likely be very infrequent), the increase in shipping activities associated with the proposed project could potentially result in degradation of water quality. In particular, untreated ballast water discharges into San Francisco Bay have the potential to introduce non-indigenous aquatic species into the Bay ecosystem that could adversely affect biological diversity, diminish habitat value for other native species, and possibly affect special status species. Once established, aquatic nuisance species can be difficult to manage and nearly impossible to eliminate. There is currently no accepted quantitative method for evaluating the probability of an invasive species impact as a result of ballast water discharge. On one hand, ballast water discharges from cruise ships would seem to represent lower risk than cargo ships since cruise ships account for only about 2% of all commercial ship traffic into the Bay, because the volume of ballast water discharge from a cruise ship is much less than that from a cargo vessel, and because the cruise ships calling at the Port would all arrive from destinations within the eastern North Pacific bioregion (as opposed to more distant locations where many of the most problematic prior introductions of non-indigenous species have originated). On the other hand, the cruise ships are typically not able to conduct mid-ocean ballast water exchanges as required by State law since they travel relatively close to the coastline and they also travel shorter distances; therefore the survivability of whatever "foreign" species are collected with the ballast water is high compared with ships that come from distant ports (e.g. Asia, Europe). This would be considered a significant impact. Implementation by the project sponsor of Mitigation Measures D.1 and D.2 (see Chapter IV), which would create and maintain programs designed to ~~prevent~~ prohibit cruise ships from releasing potentially harmful non-ballast water discharges and ballast water discharges to San Francisco Bay until such time as ballast water treatment is authorized by state and federal agencies specifically empowered by statute to make such authorization, respectively, would reduce these impacts to a less than significant level.

These mitigation measures would reduce impacts to a less than significant level because existing laws and regulations that are in place provide that discharges of ballast water and other harmful substances shall either not occur at all within San Francisco Bay or may only occur at acceptable levels in specifically authorized instances. While the project sponsors themselves do not have enforcement authority under the applicable State and federal laws and regulations, the mitigation measures provide that the project sponsors would ~~coordinate with~~establish an advisory group that would include representatives from the regulatory agencies who do have such authority, including but not limited to, the U.S. Coast Guard, the SFBRWQCB, SFCT and the State Lands Commission as well as representatives of the cruise lines, the cruise terminal operator, the San Francisco Bar Pilots, the Rincon Hill-South Beach CAC and at least one environmental organization whose primary stated purpose is to address San Francisco Bay water quality issues. ~~The mitigation measures provide that the project sponsor would work with these entities to achieve compliance with State and federal laws and regulations. In addition, the results of the ongoing USEPA study and other applicable ongoing studies and research would indirectly affect cruise ship operations in San Francisco Bay and, in the long run, would serve to improve water quality protection in~~

~~the Bay.~~ This advisory group would make recommendations to the Port Commission for the implementation and/or additional enforcement of measures to prohibit discharges into San Francisco Bay.

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# E. AIR QUALITY

## IMPACT ASSESSMENT

### *PROJECT OPERATIONAL IMPACTS*

#### Regional Emissions

Project-related daily and annual regional emissions of ROG, NOx and $PM_{10}$ were estimated for analysis years 2004 and 2020 and are presented in Table 11. Project-generated motor vehicle pollutant emissions and emissions from area sources such as space heating and landscaping, were calculated using the California Air Resources Board model URBEMIS7G. Emissions from cruise ship activity at the cruise terminal were calculated based on emission factors contained in the Marine Vessels Emissions Inventory and Control Strategies Report (Acurex Environmental, 1999) and ship activity information provided by the cruise ship companies. Three cruise ship sizes (small, medium, and large) were assumed based on their gross tonnage (less than 45,000, 45,000 to 70,000, and greater than 70,000). Emissions for each ship size were calculated using average engine bHp values for each ship size, times in different modes (cruising, maneuvering and hoteling), and the load factor during each mode. Emissions from the operation of tugs that would maneuver large ships into port, as well as emissions from the operation of boilers while the ships would be docked, are included in the estimates. The details of these calculations are provided in Appendix C.

Emissions from ships that are reported in Table 11 for future years assume that emission factors would be the same as for present engines. However, emissions of NOx and $PM_{10}$ from ships may be reduced in future years because of USEPA's promulgated emission standards for new marine diesel engines (December 29, 1999). These standards take effect for new engines manufactured starting in 2004, 2005, or 2007, depending on their size. Ships manufactured before these dates would be exempt from the new emission standards. As a result, it is difficult to determine precisely how effective the new emissions standards will be in reducing fleet-wide emissions in 2004 and 2020. EPA has also expressed concerns that it may be difficult to enforce the new regulations on vessels of international origin. As a result, it is assumed for impact analysis purposes that there would be no reduction in cruise ship air emissions ~~as a result of~~from the EPA's promulgated emission standards.

While most of the uses in the proposed project would generate traffic on a daily basis, the Cruise Terminal would generate trips on an episodic basis during both the Cruise-Season and the Off-Season. The Cruise Season generally runs for six months from May through October and project-generated traffic is highest during this season. Traffic during the cruise season is mainly due to the cruise ship activity at the Pier. Project-related traffic emissions are estimated for the worst case day during the cruise season when two ships are assumed to be berthed at the port and is based on 9,186 daily trips as estimated in the traffic section of this report. During the Off-Season, the project sponsor would rent out a portion of the Cruise Terminal for special events. Like the cruise ship activity, these special events may occur more than a few nights a week, but would not be expected to occur on a daily basis. Annual motor vehicle emissions were then estimated using average daily trip estimates for both the Cruise Season and Off-Season.

## TABLE 11
## NET INCREASE IN REGIONAL POLLUTANT EMISSIONS FOR 2004 AND 2020

| ANALYSIS YEAR 2004 | Maximum Daily Emissions (lbs./day) | | | | Significance |
|---|---|---|---|---|---|
| Pollutant | Area Sources | Motor Vehicles | Cruise Ships[c] | Total Emissions | Criteria (lbs./day) |
| Reactive Organic Gases (ROG) | 17 | 120 | 56 | 193 | 80 |
| Nitrogen Oxides (NOx) | 11 | 174 | 1,153 | 1,338 | 80 |
| Particulate Matter ($PM_{10}$) | <0.1 | 72 | 87[b] | 159 | 80 |

| ANALYSIS YEAR 2004 | Annual Emissions (tons/year) | | | | Significance |
|---|---|---|---|---|---|
| Pollutant | Area Sources | Motor Vehicles | Cruise Ships[c] | Total Emissions | Criteria (tons/year) |
| Reactive Organic Gases (ROG) | 40.7 | 22.2 | 1.1 | 64.0 | 15 |
| Nitrogen Oxides (NOx) | 3.5 | 28.5 | 26.0 | 58.0 | 15 |
| Particulate Matter ($PM_{10}$) | 14.0 | 11.4 | 2.0[b] | 27.4 | 15 |

| ANALYSIS YEAR 2020 | Maximum Daily Emissions (lbs./day) | | | | Significance |
|---|---|---|---|---|---|
| Pollutant | Area Sources | Motor Vehicles | Cruise Ships[c] | Total Emissions | Criteria (lbs./day) |
| Reactive Organic Gases (ROG) | 17 | 43 | 56 | 116 | 80 |
| Nitrogen Oxides (NOx) | 11 | 118 | 1,153 | 1,282 | 80 |
| Particulate Matter ($PM_{10}$) | <0.1 | 69 | 87[b] | 157 | 80 |

| ANALYSIS YEAR 2020 | Annual Emissions (tons/year) | | | | Significance |
|---|---|---|---|---|---|
| Pollutant | Area Sources | Motor Vehicles | Cruise Ships[c] | Total Emissions | Criteria (tons/year) |
| Reactive Organic Gases (ROG) | 40.7 | 7.9 | 2.4 | 51.0 | 15 |
| Nitrogen Oxides (NOx) | 3.5 | 20.6 | 57.6 | 81.7 | 15 |
| Particulate Matter ($PM_{10}$) | 14.0 | 12.4 | 4.5[b] | 30.8 | 15 |

a Percentage of total daily Bay Area emissions in 2004 and 2020 based on CARB emissions inventories.
b $PM_{10}$ emissions from diesel burning cruise ships are considered TACs.
c Ship emissions were based on emission factors for different modes of ship operation for small, medium and large vessels contained in the Marine Vessels Emissions Inventory and Control Strategies Report (Acurex Environmental, 1999). The assumptions used in this analysis are provided in Appendix C.

SOURCE: Environmental Science Associates.

Similarly, ship emissions are based on the assumption that two home-berthed ships are at the port. Double occupancy at the terminal would represent a worst-case condition that would be expected to occur for about 10 percent of the calls or about five to ten times per year. Ship emissions were counted beginning at the San Francisco Buoy 1, which is about 12.5 nautical miles west of the Golden Gate Bridge, and allowed for a two hour travel time between these points plus an additional 30 minutes for ship maneuvering in the Bay. Annual estimates are based on the increase in the number of cruise ship calls to the region due to the construction of the Cruise Terminal. Daily and annual emissions have been estimated for both analysis years 2004 and 2020.

Area source emissions are significantly higher in the winter months than during the summer months. Space heating is the single largest component of the area source emissions during the winter months. Wintertime area source emissions constitute as much as 96 percent of the annual ROG emissions, 70 percent of the annual NOx emissions and almost the entire annual particulate emissions generated by area sources shown in Table 11. However, as ozone is a summertime pollutant formed in the presence of strong sunlight, its precursors ROG and NOx are more of a concern during the summer months. As the project's ROG and NOx emissions from area sources are emitted mostly during the winter months, they would not contribute to the existing air quality violations.

As indicated in Table 11, daily emissions under the proposed project would substantially exceed the BAAQMD significance threshold of 80 lbs./day for reactive organic gases (ROG), nitrogen oxides (NOx), and inhalable particulates ($PM_{10}$) and thus would be considered significant. Emissions in future years will be reduced because of the phase-out of older, more polluting vehicles and ships. Replacement with cleaner burning vehicles and ships by 2020 would result in reduced emissions. Emissions from diesel engines on new vehicles built after 2004 will be reduced because of state and federal regulations. New regulations for U.S. flagged marine vessels were recently proposed by EPA to reduce NOx and $PM_{10}$ emissions ~~by about 90%~~ for new engines built in 2004 or later.~~after 2007.~~ However, because of past difficulty in enforcing such regulations on international vessels, EPA has expressed doubt that substantial emissions reductions from marine vessels would actually be realized in the next 10 years. Therefore, emissions may still be significant.

To reduce ozone precursor and particulate matter pollutant emissions, trip reduction measures recommended by the BAAQMD are included in this document (see Mitigation Measure E.2 in Chapter IV). In addition, the project sponsor would implement Mitigation Measures E.3, E.4, and E.5 to minimize air emissions from cruise ships and Port activities associated with operation of the cruise terminal. Implementation of Mitigation Measures E.2, E.3, E.4, and E.5 would reduce impacts of criteria air pollutant emissions, but not to a less-than-significant level, given the magnitude of forecast project emissions. Therefore, regional project-related impacts would be significant and unavoidable.

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# CHAPTER IV

## TEXT REVISIONS TO THE MITIGATION AND IMPROVEMENT MEASURES SECTION OF THE FSEIR

The issues raised by the appellants and the responses to those issues have necessitated revisions to certain sections of the FSEIR. The Mitigation and Improvement Measures section of the FSEIR is reproduced in this section with changes shown through the use of double underlining or ~~strike-through~~.

# MITIGATION AND IMPROVEMENT MEASURES

## D. HYDROLOGY AND WATER QUALITY

### MITIGATION MEASURES *(Cruise Terminal Project Only)*

#### *SHIP-RELATED IMPACTS ON WATER QUALITY*

D.1 The project sponsors shall ~~initiate and maintain a program designed to prevent~~prohibit cruise ships ~~at~~ using the ~~proposed~~ cruise ship terminal from releasing incidental or intentional discharges to San Francisco Bay ~~unless~~until such time as treated wastewater discharges are authorized by state or federal agencies specifically empowered by statute to make such authorization. (The federal government already imposes "no discharge" requirements for the Gulf of the Farallones and Cordell Bank marine sanctuaries.) The types of prohibited discharges would include sewage, gray water, hazardous waste, ~~ballast water,~~ solid waste, and fuel or oil-related substances. ~~Such a program~~This prohibition in San Francisco Bay will be achieved by initiating and maintaining a program that would include, at a minimum:

- a requirement that cruise ships comply with existing or future laws and regulations regarding discharge of sewage, gray water, hazardous waste, solid waste, and fuel or oil-related substances into San Francisco Bay;
- working with government agencies having jurisdiction over San Francisco Bay water quality to ensure compliance with the program;
- implementation of a reporting mechanism between the cruise ship line and cruise ship terminal operator that would include monitoring of discharge operations while in San Francisco Bay and, as necessary, sampling while at berth at Piers 30-32 to insure compliance with the discharge prohibition;
- reporting by the cruise ship terminal operator to the Coast Guard and the Regional Water Quality Control Board all incidental or intentional discharges to the Bay; ~~and~~
- the establishment of a mechanism and contract provision whereby the Port retains the right to deny berth access for those cruise ships that violate the prohibition or repeatedly carry out unauthorized wastewater discharges; and
- the establishment of a water quality advisory group to the Port Commission that would meet on a regular basis, which would include representatives of the cruise lines, Coast Guard, Regional Water Quality Control Board, the Port, San Francisco Cruise Terminal LLC (SFCT), the cruise terminal operator, the San Francisco Bar Pilots, at least one environmental organization whose primary stated purpose is to address San Francisco Bay water quality issues, and the Rincon Point–South Beach Citizen's Advisory Committee to address cruise ship discharge issues. This advisory group would make recommendations to the Port Commission for the implementation and/or enforcement of measures to prohibit discharges into San Francisco Bay.

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D.2 The project sponsors shall ~~initiate and maintain a program to prevent~~prohibit cruise ships ~~at~~using the proposed cruise ship terminal from releasing ~~unauthorized~~ ballast water discharges into San

Francisco Bay ~~unless~~ until such time as ballast water treatment is specifically authorized by a state or federal agency specifically empowered by statute to make such authorization. ~~Such~~ This prohibition shall be achieved by initiating and maintaining a program, prior to the use and operation of the proposed cruise ship terminal, which would have requirements that are at least as protective as the requirements of California Public Resources Code Section 71200 *et seq.* (A.B. 703) and subsequent regulations applicable to cruise ships that pertain to the management of ballast water for the control of non-indigenous species. The program will also include, at a minimum:

- review by the project sponsors of cruise lines' process with relation to ballast water management;
- implementation of a reporting mechanism between the cruise ship line and the cruise terminal operator that would include monitoring of operations while in San Francisco Bay;
- reporting by the cruise terminal operator to the U.S. Coast Guard and the State Lands Commission staff of all incidental or intentional discharges to the Bay;
- the establishment of a mechanism and contract provision whereby the Port retains the right to deny berth access for those cruise ships that violate the prohibition of the discharge of ballast water into San Francisco Bay or are repeated/habitual offenders of the State ballast water law;

~~the establishment and facilitation of regular meetings between representatives of cruise lines, U.S. Coast Guard, the State Lands Commission, Regional Water Quality Control Board, the Port, the cruise ship terminal operator, at least one environmental organization whose primary stated purpose is to address San Francisco Bay water quality issues and the South Beach – Rincon Point CAC to address ship ballast water management. This "working group" will also review and evaluate new technologies for treating ballast water, if and when approved by federal and state agencies, and make recommendations to the project sponsor to incorporate such technologies into the project or impose requirements on cruise vessels in the future.~~ the establishment of a water quality advisory group to the Port Commission of San Francisco (the Port) that would meet on a regular basis which would include representatives of cruise lines, U.S. Coast Guard, the State Lands Commission, Regional Water Quality Control Board, the Port, San Francisco Cruise Terminal LLC (SFCT), the cruise terminal operator, the San Francisco Bar Pilots, at least one environmental organization whose primary stated purpose is to address San Francisco Bay water quality issues, and the Rincon Point-South Beach Citizens Advisory Committee to address ship ballast water management, and if necessary, enforcement. This advisory group would review and make recommendations on the components of the program to the Port Commission and shall also review and evaluate new technologies for treating ballast water when such technologies are approved by the appropriate federal or state agency or other agencies with statutory jurisdiction over approval of such technologies. The advisory group shall recommend to the Port Commission strategies to incorporate such new technologies that the group deems appropriate into the project or to impose requirements for such new technologies on cruise ships using the Piers 30-32 cruise terminal facilities.

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# E. AIR QUALITY

## MITIGATION MEASURES

### *OPERATIONAL AIR QUALITY (Cruise Terminal Project only)*

E.2 The project sponsor shall implement a trip reduction plan that includes some or all of the following standard BAAQMD measures, as determined feasible and appropriate. Each standard BAAQMD measure is in italics (with the estimated effectiveness at trip reduction indicated in parentheses), followed by the specific measure recommended for the proposed project.

*Transit Measures: Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc., to support expanded transit service to the site (Effectiveness 0.5 - 2% of all trips).*

- The project sponsor will pay the Transit Impact Development Fee for new office space as required by Chapter 38 of the San Francisco Administrative Code to improve the local transit infrastructure.
- Adequate taxi and bus parking and passenger loading facilities should be provided as part of the project.
- Provide workers with transit use incentives.
- Provide transit information at information booths in shopping areas and on recorded telephone announcement, and encourage individual stores to provide such information, both in person and by telephone. Arrange for the sale of MUNI Fast Passes and, potentially, other transit passes and tickets, at strategic locations around the project.
- Develop brochures, information packets, and/or an internet web page providing full information on transit access to the project site. Ensure that ship passengers are informed of transit opportunities, and provide maps and schedule information.
- Provide a location for a public ferry terminal to be developed or installed in the future at the Cruise Terminal project site.

*Bicycle and Pedestrian Measures: (a) Provide secure, weather-protected bicycle parking for employees (Effectiveness 0.5 - 2% of work trips); (b) Provide safe, direct access for bicyclists to adjacent bicycle routes (Effectiveness 0.5 - 2% of work trips); (c) Provide showers and lockers for employees bicycling or walking to work (Effectiveness 0.5 - 2% of work trips); (d) Provide secure short-term bicycle parking for retail customers or non-commute trips (Effectiveness 1 - 2% of non-work trips); (e) Provide direct, safe, attractive pedestrian access from project to transit stops and adjacent development (Effectiveness 0.5 - 1.5% of all trips).*

- The project sponsor will provide secure, covered bicycle parking at a ratio of one bike space for every twenty car spaces. This parking will be located in a well-lighted area as close as possible to residences and shops.
- The project will be easily accessed from an N-Judah MUNI Metro stop located less than 500 feet south of the project site.

*Provide sidewalks and/or paths, connected to adjacent land uses, transit stops, and/or community-wide network (Effectiveness 0.1 - 1% of all trips).*

- With the implementation of The Embarcadero Roadway project, a 25-foot promenade was established along the waterside and a 10-foot sidewalk was provided along the inland side of The Embarcadero. This wide walkway along the water's edge in combination with a standard sidewalk along the inland roadway would provide adequate capacity to meet the pedestrian demands during the peak demand periods.

*Rideshare Measures: Implement carpool/vanpool program (e.g., carpool ride-matching for employees, assistance with vanpool formation, provision of vanpool vehicles, etc.) (Effectiveness 1 - 4% of work trips).*

- Provide ride-matching service to employees to aid in the formation of carpools. This could be a contracted service provided by an outside agency.

*Services Measures: (a) Provide on-site shops and services for employees, such as food service, bank/ATM, dry cleaners, etc. (Effectiveness 0.5 - 5% of work trips); (b) Provide on-site child care, or contribute to off-site child care within walking distance (Effectiveness 0.1 - 1% of work trips).*

- Ensure that the retail tenant mix includes convenience services for project employees.

*Parking Measures: Provide preferential parking for carpool and vanpool vehicles (Effectiveness 0.5 – 1.5% of work trips).*

- Provide preferential carpool and vanpool parking for employees. These spaces should be the ones most conveniently located to the work areas. *(Corresponds to 1997 Waterfront Plan FEIR Mitigation* Measure *F-2)*

E.3 The project sponsors shall ~~offer a reduced fee structure for~~encourage the deployment of ~~cruise ships demonstrating the use of effective emission reduction systems through the use of low emission fuels, more efficient equipment or similar emerging technologies~~ establish an emission reduction program that identifies specific air emissions criteria for cruise ships and includes incentives and other means that will reduce the air quality impacts of cruise ships using the Piers 30-32 terminal. To this end, the project sponsors will undertake the following actions:

- Establish ~~a working group~~an air quality advisory group to the Port Commission, meeting on a regular basis, with the purpose of establishing reduction criteria and ~~the~~ corresponding ~~fee~~ incentives to reward cruise lines that meet or exceed the emissions reduction criteria. This group will be established upon the approval of the cruise terminal project by the Port Commission. The group will include representatives from the cruise industry, Bay Area Air Quality Management District, the Port, SFCT, the San Francisco Bar Pilots, the cruise terminal operator, the Rincon Point–South Beach Citizen Advisory Committee, a local area public health organization, and at least one environmental organization whose primary stated purpose is to address issues pertaining to air quality in the Bay Area. This advisory group would make recommendations to the Port Commission to establish incentives that reduce air pollution emissions.

- The role of the advisory group shall also include review, and recommendations to the Port Commission, of measures to address air quality impacts, including use of technologies and alternative fuels, such as low sulfur content fuel, and reduced cruise ship speeds, if proven effective in reducing nitrogen oxide and $PM_{10}$ emissions. The advisory group may also make recommendations to the Port Commission on how to most effectively contribute to programs that will result in the reduction of pollutants in the area.

- Following consultation with the working group, adopt an incentive program prior to the commencement of cruise operations at Piers 30-32. This shall involve reduced fees for ships that meet or exceed the emissions reduction criteria and will also include Port recognition and promotion of cruise lines that are committed to environmentally responsible operations, including the deployment of ships using reduced emission system technology or cleaner burning fuel.

E.4 The project sponsor shall ensure that any equipment, including fork lifts, passenger linkways, back-up generators and the like, used primarily at Piers 30-32 and operated by the Port and/or the cruise terminal operator has lower emissions than existing diesel equipment for each respective use. The lower emission equipment may be achieved through the use of low emission fuels, more efficient equipment and similar emerging technologies.

E.5 The project sponsor shall require that all trucks and buses on the Cruise Terminal project shut down their engines within 5 minutes of parking at the project.

## REFERENCES – Air Quality

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# CHAPTER V

## TEXT REVISIONS TO THE SUMMARY OF COMMENTS AND RESPONSES SECTION OF THE FSEIR

The directives of the Board of Supervisors and the issues raised by the appellants have necessitated some expansion to some of the responses provided in the April 30, 2002 Draft Summary of Comments and Responses document that is part of the Final SEIR. In particular, expanded responses have been prepared for several issues raised by the Bay Area Air Quality Management District in their letter of January 16, 2002 and two issues raised by the Bluewater Network in their letter of January 7, 2002.

These letters and the original responses to them are provided in the following pages for reader convenience. The amended responses are then provided. The responses to other comments in the Bay Area Air Quality Management District and Bluewater Network letters or comments raised in letters submitted by other entities are unaffected. New text is shown through the use of <u>double underlining.</u>

BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

ALAMEDA COUNTY
Roberta Cooper
Scott Haggerty
(Vice-Chairperson)
Nate Miley
Shelia Young

NTRA COSTA COUNTY
Mark DeSaulnier
Mark Ross
Gayle Uilkema

MARIN COUNTY
Harold C. Brown, Jr.

NAPA COUNTY
Brad Wagenknecht

N FRANCISCO COUNTY
Chris Daly
Tony Hall
Leland Yee

SAN MATEO COUNTY
Jerry Hill
Marland Townsend
(Secretary)

NTA CLARA COUNTY
Randy Attaway
(Chairperson)
Liz Kniss
Julia Miller
Dena Mossar

SOLANO COUNTY
William Carroll

SONOMA COUNTY
Tim Smith
Pamela Torliatt

Ellen Garvey
EXECUTIVE OFFICER/
AIR POLLUTION
CONTROL OFFICER

I

January 16, 2002

Paul Maltzer, Environmental Review Officer
San Francisco Planning Department
30 Van Ness Ave., 4th Floor
San Francisco, CA 94102

RECEIVED
JAN 2 2 2002
PLANNING DEPT

Subject: San Francisco Cruise Terminal Mixed Use Project and Brannan Street Wharf Project Draft Supplemental EIR

Dear Mr. Maltzer:

Bay Area Air Quality Management District (District) staff have reviewed the Draft Supplemental Environmental Impact Report (DSEIR) for the San Francisco Cruise Terminal Mixed Use Project and Brannan Street Wharf Project and have the following comments.

The DSEIR indicates that project operations will result in significant air quality impacts, with emissions of reactive organic gases (ROG), nitrogen oxides (NOx) and fine particulate matter ($PM_{10}$) well above the District's significance thresholds. Projected emissions of NOx are especially high, estimated to be 1,282 lbs./day or 82 tons/year in 2020. Most of the NOx emissions are predicted to result from ship operations, mainly while cruising in and out of the Bay. NOx contributes to the formation of ozone and fine particulate matter, pollutants for which the region exceeds health-based air quality standards. The ships will also emit diesel particulate exhaust, which has been identified by the California Air Resources Board as a toxic air contaminant. Therefore, we strongly urge the City to identify additional mitigation measures to reduce air quality impacts, especially related to ship emissions. 1

Page 129 of the DSEIR states, "...the project sponsor would work with other maritime agencies to encourage cruise lines to consider the use of alternative fuels, more efficient engines, and other emerging technologies to minimize air emissions from cruise ships," but the mitigation measures listed in chapter IV do not include *any* mitigation measures for ship emissions. Absent any requirements or incentives from the City, it is unlikely the project sponsor would expend much effort to reduce air quality impacts. The City should identify specific measures related to ship fuels, engines and other emerging technologies and require their implementation as conditions of approval. Feasible measures to reduce ship emissions include: selective catalytic reduction, water injection, emulsified fuels, and installation of particulate traps in combination with low sulfur fuels. Also, some new cruise ships include a gas turbine in addition to diesel engines, to allow lower polluting operations when maneuvering in environmentally sensitive areas such as the San Francisco Bay. The City should require cruise ship operators to implement lower polluting technologies on all ships using the proposed terminal. Further, the City should provide economic incentives, such as reduced fees, to encourage lower polluting ships. Some Swedish ports provide economic incentives to promote cleaner ships.

It is likely that a significant number of cruise ships will be traveling to and from Alaska. In order to comply with Alaskan standards for opacity (visible emissions), many cruise ships operating in Alaskan waters are currently employing some of the pollution reduction strategies listed above. We believe this greatly enhances the feasibility of these mitigation measures in San Francisco. While the cruise industry poses certain challenges for implementation of mitigation measures – several operators operating various ships traveling to various destinations – the fact that multiple ports do or may require air quality mitigation measures makes more widespread implementation much more practicable and reasonable. 1 Cont.

Hotelling ship emissions can and should be reduced by requiring cruise ships to connect to a shore-side power source and shut down diesel generators while docked. 2

Finally, the City should consider imposing mitigation fees on cruise ship operators and terminal tenants in order to fund pollution reduction efforts. For example, to mitigate air pollutant emissions associated with the Berths 55 – 58 Project, the Port of Oakland in 1999 committed $9 million to replace or retrofit old, high polluting diesel engines in cargo equipment and trucks with newer, cleaner diesel engines. Retrofit of tugs and dredges would be particularly appropriate for the Cruise Terminal project. 3

Emissions from motor vehicles will also be considerable. The DSEIR lists several mitigation measures, most of which are oriented towards the office component of the project. According to Table 2, however, only about 16.5% of total (person) trips will be generated by office uses. Greater effort should be made to reduce vehicle trips from the project, especially the non-office components such as retail, entertainment and restaurants. Additional measures that should be considered include: assess the Transit Impact Development Fee – or equivalent fee – for all commercial uses, not just office; clean fuel shuttles to BART and Caltrain; transit subsidies (e.g., Commuter Check) for employees; charge parking fees (employees and customers); and discounts and other incentives for retail/entertainment/restaurant customers not traveling by auto. 4

We are concerned about potential safety and access problems for bicyclists and pedestrians at the project's main vehicle entrance at the Embarcadero and Bryant Street. The Embarcadero is an outstanding recreational and scenic resource, used by thousands of bicyclists, pedestrians, joggers, skaters, tourists and others. Usage is particularly heavy on weekends and during events at PacBell Park. Currently, other than some lightly used driveways, there are no significant vehicular crossings of the Embarcadero from PacBell Park all the way to Pier 39. The proposed 4-lane roadway at Bryant Street could seriously impede access and present safety hazards. Access and safety must be assured, by measures such as: signal-controlled pedestrian crossing, capable of being activated by Embarcadero pedestrians, bicyclists and other users; countdown signal with ample time for Embarcadero users; traffic calming devices in the project driveway approaching the crossing; warning signage for motorists and Embarcadero users; and strict monitoring and enforcement by DPT officials. Similar conflicts could also occur at the secondary entrance, at the Embarcadero between Bryant and Brannan. This secondary entrance is 5

not even proposed to have a traffic signal. Safety and access measures listed above should also be implemented at the secondary entrance. 5 Cont.

If you have any questions, please contact Henry Hilken, Principal Planner, at (415) 749-4642.

Sincerely,

Ellen Garvey
Executive Officer/Air Pollution Control Officer

Cc: BAAQMD Director Chris Daley
BAAQMD Director Tony Hall
BAAQMD Director Leland Yee
Robert D. Fletcher, California Air Resources Board
Peggy Taricco, California Air Resources Board

## LETTER I – ELLEN GARVEY, BAY AREA AIR QUALITY MANAGEMENT DISTRICT

I-1) The commenter is correct in noting that significant air quality impacts, particularly from reactive organic gasses, nitrogen oxides, and fine particulates would occur as a result of cruise ship traffic in San Francisco Bay. As the commenter further notes, it is difficult for a single jurisdiction, such as the Port of San Francisco, by its own actions to cause the cruise ship industry to adopt specific pollution-reduction technologies. However, in an effort to encourage the adoption of new technologies, and as noted in the response to Comment C-3, a new mitigation measure has been added to the DSEIR to directly address cruise ship-related air pollutant emissions. The new mitigation measure requires that the project sponsor offer a reduced fee structure for cruise ships demonstrating the use of effective emission reduction systems through the use of low emission fuels, more efficient equipment or similar emerging technologies. In addition, two additional mitigation measures have been added to the DSEIR to directly address air pollutant emissions related to operation of the proposed cruise terminal. Please see Section E, Staff-Initiated Text Changes for the appropriate revisions to the DSEIR.

It should also be noted that well-publicized cases of water and air pollution by large cruise operators in recent years, with criminal convictions, have contributed to a tightening of State and federal laws. Cruise lines have begun to respond by developing ships with new engine technology aimed to reduce emissions and improve propulsion.

Three Royal Caribbean ships (one Voyager and two Millennium-class) are powered by General Electric's new gas turbines. It is reported that Royal Caribbean will have as many as nine ships using this technology by 2003 or 2004. At a cost of approximately $32 million per ship, the LM2500+ GE gas turbine engines are used to drive generators that provide electricity to propeller motors. Gas turbines work in combination with steam turbines to power the ship's propulsion and to provide on-board heat and power. Instead of diesel fuel, gas turbine engines require cleaner-burning Marine Gas Oil. Turbine technology produces reduced air emissions (as well as reduced sludge and oil waste) in comparison to diesel engines. Emissions of nitrous oxides are lowered by 80% and sulfur oxides by 98%. Using gas turbines also eliminates the need for the selective catalytic-reduction (SCR) equipment and special exhaust-treatment systems that would be required by diesels. (For further technical information, please refer to *A Fully Enhanced Gas Turbine For Surface Ships*, Jack Janes, The American Society of Mechanical Engineers, 1996.) One of the Millennium-class ships, Infinity, which last visited San Francisco in 2001, is expected to return in the near future.

In addition, Carnival Corporation, in partnership with Finnish engine manufacturer Wartsila, has created a new "smokeless" enviro-engine. This new technology reduces visible emissions and enhances fuel efficiency. This engine is a four-stroke common-rail injection engine that has lower fuel consumption and lower nitrogen oxide emissions than standard engines. This engine is being tested on Carnival Spirit-class ships (which also feature isolated bilge water spaces, thereby

reducing the possibility of tainting water with oil). A Carnival Spirit-class vessel last visited San Francisco in 2001, and is expected to return in the near future.

The U.S. Coast Guard has also initiated the "Qualship 21" program that recognizes foreign-flagged ships of all types that demonstrate a commitment to safety and quality and comply with environmental and health regulations. The current list of recognized vessels includes: Holland America's Amsterdam, Maasdam, Noordam, Rotterdam, and Zaandam; Princess Cruises' Crown, Dawn, Grand, Ocean, Pacific, Regal, Royal, Sun and Sea Princesses; Cunard Line's Caronia and QE2; Seabourn Cruise Lines' Seabourn Legend and Seabourn Pride; P&O Cruises' Arcadia and Oriana. Of these recognized vessels, Amsterdam, Zaandam, Dawn, Regal, Sun, Ocean and Oriana are booked to visit San Francisco in 2002, representing 18 out of a total of 41 ship calls.

The commenter's suggestion of a reduced fee incentive program has been agreed to by the project sponsor, as described in the newly added Mitigation Measure E.3 (see Section E, Staff-Initiated Text Changes). Such a program could include implementation of one or more of the specific emissions reduction methods suggested by the commenter, amongst other methods.

I-2) With regard to the suggestion that shore-side power be used for ships in port, it is true that the Alaska Electric Light and Power Company and Princess Cruises jointly invested in the construction of a power station on the South Franklin docks of Juneau, Alaska. The $4.5-$5 million power facility allows cruise ships to shut down their diesel generators that typically power the ship while it is docked. The installation includes a local shore-side transformer with approximately one mile-long cables that draw power from the national grid. Cables are set in a gantry crane so the end plug can vertically align with the ship even with 20 foot tidal swings. This power facility produces up to 13 megawatts of hydroelectric power.

Princes Cruises has outfitted four ships to be able to connect to the electrical system and expects to have a fleet of five ships using the system by the end of 2002. The retrofit cost for each ship is approximately $500,000. Each Sun Class ship (2,200 passenger capacity) draws about 6-8 megawatts, and a Grand Class ship (3,300 passenger capacity) draws about 9 megawatts. To put these power draws in context, the combined capacity of the Hunters Point and Potrero power plants is 635 megawatts, and the peak demand for the entire city is 850 megawatts. As such, powering up a single cruise ship could represent 1% to 1.5% of the City's entire power capacity and about .7% to 1% of citywide peak power demand.

It should be noted that these improvements are for one specific port and designed for specific cruise ships. Such ship retrofits and on-line hookups may be feasible only with a high volume of vessel traffic. To create greater efficiencies, there would need to be a federal mandate standardizing shore-side power facilities with cruise ship retrofits.

It takes approximately 45 minutes to "power up" a Princess Cruise ship in Juneau. As there is no Juneau-like power facility along the urban waterfront in San Francisco, a similar process in San Francisco takes substantially longer. According to San Francisco Drydock, it currently takes 8-12 hours to power up a cruise ship and another 4-6 hours to disconnect the ship from the shore-based

power system. Most of the cruise ships that currently visit and would be expected to visit San Francisco do not and would not stay in berth for these extended periods.

I-3) Please see the response to Comment C-3, which indicates the inclusion of three new mitigation measures to directly address cruise ship related air emissions and operations related to the Cruise Terminal.

I-4) As explained on page 86 of the DSEIR, the Transit Impact Development Fee (TIDF) currently applies only to office space in new developments. If, however, pending legislation before the Board of Supervisors is adopted and broadens the scope of the TIDF to apply to the Cruise Terminal project and to include uses other than office, then such components of the project would also be assessed.

The proposed project would not include the provision of shuttles (using clean-burning fuels or otherwise) to BART or Caltrain, as the project site is served by a MUNI Metro line that connects directly to both BART and Caltrain. Specific measures such as transit subsidies recommended by the commenter would be provided for by the measure included on page 176 of the DSEIR, "Provide workers with transit incentives." For additional information regarding transit subsidies, please refer to the Transportation Demand Management Program included as Appendix H to the *San Francisco Cruise Terminal Mixed-Use Project Transportation Impact Study* prepared by The Duffey Company, dated November, 2001.

I-5) Please see the response to Comment C-9.

On appeal from the Planning Commission's May 2002 certification of the Final Environmental Impact Report for the project, the San Francisco Board of Supervisors directed the Planning Commission and Planning Department to revise the FSEIR by more fully responding to the Bay Area Air Quality Management District's comments concerning air quality mitigation measures. Since these issues were initially addressed in the April 30, 2002 Draft Summary of Comments and Responses (responses I-1 and I-2), the augmented response is provided in this section.

I-1, I-2 and I-3 Additional Response:

a. Requiring Reduced Speeds. The U.S. Coast Guard is responsible for enforcing commercial vessel speed limits in the San Francisco Bay shipping channels and entrance channel. The maximum speed limit is currently 15 knots. The San Francisco Bar Pilots report that cruise ships and other large vessels approaching San Francisco Bay typically operate below this maximum speed when approaching the Gate or navigating within San Francisco Bay (source: Nyborg, personal communication, 2002). While imposing or enforcing speed limits in the San Francisco Bay shipping channels and entrance channel is not within the jurisdiction of the Port of San Francisco, the Port, upon recommendation by the advisory group, could in turn make recommendations to the U.S. Coast Guard to reduce ship speeds. Recommendations for a reduction in ship speeds would be considered by the U.S. Coast Guard, taking into account safety and other considerations, which are the bases for setting the speed limit. The advisory group that would be created as described under revised Mitigation Measure E.3 would review and consider reduced ship speeds and would be able to make recommendations to the Coast Guard regarding the need for further controls.

A Voluntary Commercial Cargo Ship Speed Reduction Program has been in effect since May 2001 for large ships, including cruise ships, entering and leaving the Ports of Los Angeles and Long Beach. The purpose of this program is to reduce air pollution in the South Coast Air Basin. According to the Port of Los Angeles, cruise ships are among the most compliant in the program (source: Manny Aschemeyer, LA/LB Marine Exchange, personal communication, July 2002; T.L. Garrett, Port of Los Angeles Environment Department, personal communication, October 2002).

b. Opacity Standards. Opacity refers to the ability of smoke or other visible air emissions to attenuate light, and therefore reduce visibility. Some jurisdictions, such as the State of Alaska, have established opacity standards to which ships, including cruise ships, must adhere. Bay Area Air Quality Management District regulations (Regulation 6, Particulate Matter and Visible Emissions) state that "a person shall not emit from any source for a period or periods aggregating more than three minutes in any hour an emission equal to or greater than 20% opacity (personal communication, Henry Hilken, 2002)." Given the low number of cruise ships currently entering and projected to enter San Francisco Bay compared to cargo and tanker ships, application of opacity standards to cruise ships may not appreciably reduce any potential opacity related impacts. While the Port of San Francisco has no regulatory authority to establish and enforce specific opacity standards, the Port, upon recommendation of the advisory group, could in turn make recommendations to the Bay Area Air Quality Management District to establish and/or enforce opacity standards specific to cruise ships. In addition, the advisory group to be created as described under revised Mitigation Measure E.3 is charged with reviewing and considering measures to reduce air emissions, and the Port would establish an incentive program to reduce air emissions through new engine technologies and other means prior to operation of the new terminal. Use of new engine technologies and other measures would also address opacity concerns.

c. Auxiliary Generator Fuel Requirements. When a cruise ship ties up at port, the engines are typically idled and the ship's power is then dependent on an auxiliary engine which could utilize low sulfur or other environmentally acceptable fuels in lieu of diesel fuels. Promoting the use of cleaner burning fuels has been incorporated into Air Quality Mitigation Measure E.3. As revised, under this measure the Port would adopt an incentive program prior to the commencement of cruise operations at Piers 30-32 that would include reduced fees for ships meeting or exceeding emissions reduction criteria established through the advisory group process. The program also would include promotion and recognition by the Port of cruise lines that use low-sulfur or other environmentally acceptable fuels, in addition to reduced emission system technology.

d. Use of Low-Sulfur Fuels. California regulations currently limit diesel fuel to a sulfur content no greater than 500 ppm (equivalent to a 0.05% sulfur content in the diesel fuel). Standard marine diesel fuel contains around 2% sulfur. The California Air Resources Board (CARB) plans to adopt a 15 ppm ultra-low sulfur fuel standard for on- and off-road vehicles in the near future but has not yet established a timetable for that action. Some refineries in California are already producing this ultra-low sulfur fuel and others can be expected to follow suit as regulators move forward in implementing the lower standard. A State Assembly Bill (AB 2135) was passed and signed into law in 2000 that requires all diesel powered vessels operating exclusively in California and engaged in the commercial transport of passengers to meet CARB standards for fuel formulation. This means that, once CARB lowers the sulfur standard to 15 ppm, all ferries operating in the State will need to meet that standard.

It would be technically feasible for other ships not meeting the exclusive California operation criterion, such as cruise ships, to use low sulfur fuel when entering state waters. Some increased costs for the lower sulfur fuel would be incurred. Promoting the use of cleaner burning fuels has been incorporated into Air Quality Mitigation Measure E.3. As revised, under this measure the Port would adopt an incentive program prior to the commencement of cruise operations at Piers 30-32 that would include reduced fees for ships meeting or exceeding emissions reduction criteria established through the advisory group process. The program also would include promotion and recognition by the Port of cruise lines that use low-sulfur or other environmentally acceptable fuels, in addition to reduced emission system technology.

e. Selective Catalytic Reduction. Selective Catalytic Reduction (SCR) employs a chemical process to reduce diesel engine exhaust (specifically NOx) by using a catalyst and a chemical additive sprayed into the exhaust up-stream of the catalyst. Because SCR systems are "poisoned" over time by the presence of high sulfur content fuel, SCR technology works best when used with no or very low sulfur content fuels (John J. McMullen Associates, Inc., May 2, 2002, *New Technologies and Alternative Fuels: Working Paper on Alternative Propulsion and Fuel Technology Review*). While SCR technology can reduce NOx emissions from ship engines by as much as 95%, this technology is still considered developmental at this time, in part because of the requirement for ammonia storage on the ship. A safer alternative (urea solution) is currently being studied. Thus far, only about 40 marine vessels employ SCR in the world and this technology is thus not yet considered feasible for wide-spread application to cruise ships (Danska, Fred, Wartsilla, Ltd., *"Existing and Envisaged Emissions Control Techniques for Ship Engines,"* paper presented at the AWMA International Conference on Impacts of Liquid and Atmospheric Emissions from Ships, Vancouver, Canada, April 2002). Under revised Mitigation Measure E.3, the Port would adopt an incentive program prior to the commencement of cruise operations at Piers 30-32 that would include reduced fees for ships meeting or exceeding emissions reduction criteria established through the advisory group process. The program also would include promotion and recognition by the Port of cruise lines that use low-sulfur or other environmentally acceptable fuels, in addition to reduced emission system technology. In addition, the advisory group is charged with reviewing and making recommendations to the Port regarding measures to reduce air emissions.

f. Water Injection/Emulsified Fuels. This method can also reduce both NOx and $PM_{10}$ emissions substantially and entails either injecting water directly into the combustion chambers of a diesel engine or using a diesel fuel that contains a water emulsion such as PuriNOx. In either case the presence of water reduces the maximum temperature in the combustion zone, thus limiting the formation of NOx from the dissociation of nitrogen and excess oxygen. Because the direct injection of water, can lead to corrosion of the engine, an emulsion of water mixed with PuriNOx is used. This substance is manufactured by Lubrizol and is readily available at outlets in the U.S., including in California. While diesel trucks presently use this approach to reduce NOx emissions, it has not yet proven feasible for wide-spread application to cruise ships because of the large size of commercial marine engines (Danska, 2002). Under revised Mitigation Measure E.3, the Port would adopt an incentive program prior to the commencement of cruise operations at Piers 30-32 that would include reduced fees for ships meeting or exceeding emissions reduction criteria established through the advisory group process. The program also would include promotion and recognition by the Port of cruise lines that use low-sulfur or other environmentally acceptable fuels, in addition to reduced emission system technology. In addition, the advisory group is charged

with reviewing and making recommendations to the Port regarding measures to reduce air emissions.

g. Catalytic Particulate Traps. Catalytic particulate traps systems can be employed to filter out $PM_{10}$, reducing emissions by about 85%. They are currently employed on new diesel trucks but must be used in combination with ultra-low sulfur fuel in order to prevent the formation of sulfuric acid. Presently, there are no catalytic filter traps readily available for large marine engines. For this reason, it is not yet considered feasible for wide-spread application to cruise ships (Danska, 2002). Under revised Mitigation Measure E.3, the Port would adopt an incentive program prior to the commencement of cruise operations at Piers 30-32 that would include reduced fees for ships meeting or exceeding emissions reduction criteria established through the advisory group process. The program also would include promotion and recognition by the Port of cruise lines that use low-sulfur or other environmentally acceptable fuels, in addition to reduced emission system technology. The advisory group would review and make recommendations to the Port regarding measures to reduce air emissions. In addition, the advisory group is charged with reviewing and making recommendations to the Port regarding measures to reduce air emissions.

h. Other Engine Efficiency Measures. The injection timing of diesel ship engines can be "retarded" by four degrees, reducing NOx emissions by about 25%. This approach is being used on stationary engines and on some truck fleets and would be feasible for application to cruise ships. However, $PM_{10}$ emissions may increase slightly. Also, diesel engines can be designed to include common-rail injection systems that deliver the fuel to the combustion cylinders under very high pressures to produce a finer aerosol that in turn burns more efficiently and thereby emits fewer air pollutants. Major changes to the engine are required to incorporate a common rail system, and only a few engines worldwide currently use this technology (Danksa, 2002). While technically feasible, it is not yet considered feasible for wide-spread application to cruise ships because of the large size of commercial marine engines.

i. Use of Gas Turbine Engines. Gas turbine engines can be used on ships in addition to diesel engines to provide more flexibility in operations. Gas turbine engines produce much lower emissions of NOx and $PM_{10}$ than diesel engines. This system is presently being used on a number of ships throughout the world, which are referred to as "electric" vessels. While retrofitting existing cruise ships to accommodate gas turbine engines along with diesel engines is technically possible, it is not economically feasible because of the extensive rework involved. Typical ships with diesel engines have a direct drive to the propeller shaft from the engine; whereas ships with turbine engines do not have a direct drive. This is because turbine engines are not very responsive to quick changes in torque, which is required for acceleration or braking. Turbine engines on ships are used to run electric generators, which then supply power to electric motors. The electric motors, which are very responsive to changes in torque, are then used to power the ship. Therefore, changing from diesel engines to turbines would require major changes in engine and drive systems, which would not be economically feasible because of the extensive rework involved.

j. Reduced Fee Incentives. Some ports, most notably those in Scandanavia, have adopted fee reduction programs tied to reductions in NOx and sulfur emissions from ships. This is a feasible measure for the Port of San Francisco to apply to the project and such a program will be developed and adopted by the Port in consultation with the advisory group that will be created under Mitigation Measure E.3 prior to the commencement of cruise ship operations at Piers 30-32.

k. Shoreside Power. A number of ports have considered shoreside power to be used for ships at dockside, but few have thus far implemented such a program to date. While it appears promising in the longer term as a means to reduce ship air emissions generally, it is not currently feasible because substantial technical and cost considerations remain to be resolved. The Port of Seattle recently examined the feasibility of installing a shore-based power system for its proposed cruise ship terminal expansion project. The Port has elected not to proceed with such a system given its high estimated cost ($5 million) and concerns that it could not be implemented within the desired project timeframe (source: Barbara Cole, Port of Seattle, Environmental Services Department, personal communication, August 2002).

The Port of Los Angeles has also looked into the feasibility of installing a shore-based power system at its facilities but has concluded that too many technical questions remain at this time to successfully implement such a system (source: T.L. Garrett, Port of Los Angeles, Environmental Management Division, personal communication, August 2002). The Port was approached in recent years by a fuel cell manufacturing company proposing conceptually to provide shore-based power to ships using fuel cells mounted on barges. Consequently, the Port worked with the South Coast Air Quality Management District to adopt a rule that allows for the trading of air emission credits should such a system be demonstrated to be feasible and implemented in the South Coast Air Basin. Since the rule was adopted two years ago, however the fuel cell company has yet to come forward with a specific proposal.

One system that has been installed has been in Alaska. In that instance, the Alaska Electric Light and Power Company and Princess Cruises jointly invested in the construction of a power station on the South Franklin docks of Juneau, Alaska. The $4.5-$5 million power facility allows the Princess Cruises ships to shut down their diesel generators that typically power the ship while it is docked. The installation includes a local shore-side transformer with approximately one mile-long cables that draw power from the national grid. Cables are set in a gantry crane so the end plug can vertically align with the ship even with 20 foot tidal swings. This power facility produces up to 13 megawatts of hydroelectric power.

Princess Cruises has outfitted four ships to be able to connect to the electrical system and expects to have a fleet of five ships using the system by the end of 2002. The retrofit cost for each ship is approximately $500,000. Each Sun Class ship (2,200 passenger capacity) draws about 6-8 megawatts, and a Grand Class ship (3,300 passenger capacity) draws about 9 megawatts. To put these power draws in context, the combined capacity of the Hunters Point and Potrero power plants is 635 megawatts, and the peak demand for the entire city is 850 megawatts. As such, powering up a single cruise ship could represent 1% to 1.5% of the City's entire power capacity and about .7% to 1% of citywide peak power demand.

It should be noted that these improvements are for one specific port, were designed for specific cruise ships (i.e., the Princess Cruises ships only), and had an advantage of an inexpensive source of power (hydroelectricity). There is not one such dominating cruise line expected to call at the Port of San Francisco. Such ship retrofits and on-line hookups may be feasible only with a high volume of vessel traffic (Princess Cruises is the dominant cruise ship line calling at the Port of Juneau). To create greater efficiencies, there would need to be a federal mandate standardizing shore-side power facilities with cruise ship retrofits. While it appears promising in the longer term as a means to reduce ship air emissions generally, it is not currently feasible because substantial technical and cost considerations remain to be resolved.

It takes approximately 45 minutes to "power up" a Princess Cruise ship in Juneau. As there is no Juneau-like power facility along the urban waterfront in San Francisco, a similar process in San Francisco takes substantially longer. According to San Francisco Drydock, it currently takes 8-12 hours to power up a cruise ship and another 4-6 hours to disconnect the ship from the shore-based power system. Most of the cruise ships that currently visit and would be expected to visit San Francisco do not and would not stay in berth for these extended periods.

In summary, while not technologically or economically feasible at this time, providing shore-based power remains a longer term solution that would be continually evaluated by the Port of San Francisco and potentially implemented at such time that it becomes technologically and economically feasible.

L

Mr. Rick Cooper
City and County of San Francisco
Planning Department
1660 Mission Street
Fifth Floor
San Francisco, CA 94103

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January 7, 2002

**Re: Comments on San Francisco Cruise Terminal Mixed-Use Project and Brannan Street Wharf Project Draft Supplemental Environmental Impact Report (SEIR) – Case No. 2000.1229E**

Dear Mr. Cooper:

Bluewater Network, a national environmental group based in San Francisco that works to fight environmental damage caused by the oil, shipping and motorized recreation industries, hereby submits the following comments on the Draft SEIR for the San Francisco Cruise Terminal Mixed-Use Project and Brannan Street Wharf Project. Bluewater operates, among others, a campaign to combat pollution from cruise ships, a campaign we started more than two years ago in the wake of the series of illegal dumping incidents by Royal Caribbean and several other cruise lines.

These comments are also being submitted on behalf of Waterkeepers Northern California, which works to protect the health of our Bay, Delta and surrounding waterways. 1

**Water Quality**

Simply put, more cruise ships in the Bay will lead to more pollution in the Bay. These ships are floating cities that generate tremendous volumes of waste. A typical cruise ship on a one-week voyage generates more than 50 tons of garbage, two million gallons of "graywater" (waste water from sinks, showers, galleys and laundry), 210,000 gallons of sewage, 35,000 gallons of oil-contaminated water, and untold amounts of hazardous waste.

Furthermore, the cruise industry has a history of polluting the seas. The US General Accounting Office recently reported that, from 1993 to 1998, cruise ships were responsible for 87 confirmed cases of illegal discharges of oil, garbage, and hazardous wastes into US waters. Twelve of these cases occurred in California.

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Cruise ships continue to have similar pollution and compliance problems today. Due to a series of cruise ship pollution incidents in the State of Alaska, the Alaska Department of Environmental Conservation launched an initiative last year to sample cruise ship wastewater discharges for various pollutants. Sampling last summer showed that the marine sanitation devices that are supposed to treat sewage prior to discharge are not functioning properly; only one treated sewage sample out of 70 met both the federal standards for fecal coliform (200 colonies/100 ml) and total suspended solids (150 mg/l). Sampling of graywater, which the cruise industry claims is harmless, also revealed levels of fecal coliform in the millions in several samples. Combined graywater and sewage samples showed excessive levels of metals and phthlalates. Sampling this summer revealed chlorine residuals as high as 70 mg/l (Alaska's water quality standard is 0.002 mg/l), fecal coliform counts as high as 9,000,000/100 ml, and total suspended solids as high as 26,000 mg/l.

Many of the same ships sampled in Alaska also travel to San Francisco. We urge you to recall that San Francisco Bay is listed by the Regional Water Quality Control Board as an impaired water body.

It is completely legal under existing laws and regulations for cruise ships to discharge treated sewage and graywater into San Francisco Bay. However, the cruise companies will tell you they have a voluntary corporate policy of zero discharge in California waters. Unfortunately, this does not appear to be the case. Carnival Cruise Lines dumped more 40,000 gallons of wastewater each week into the Port of Los Angeles during the first five months of 2001. Further, it came to Bluewater Network's attention last year that witnesses on board a Celebrity Cruises ship saw what they believed to be oil and perchloroethylene, or perc, a hazardous waste used in dry cleaning, being pumped off the ship into San Francisco Bay. During a criminal investigation of the San Francisco incident by the Department of Justice, the cruise line claimed that the discharge witnessed was simply deck wash runoff. The Material Safety Data Sheet (MSDS) of the "environmentally friendly" detergent they were using to wash the deck and then discharging into the Bay showed that the detergent contains cadmium, arsenic and lead. 1 Cont.

In light of the above, the Draft SEIR's assumptions that "standard cruise ship operations that would be implemented as part of the proposed project... [would] protect Bay water quality from cruise ship discharges" (page 108); that sewage from cruise ships would not affect Bay water quality in the project vicinity (page 109); and that discharges of graywater do not typically occur by cruise ships in the Bay (page 109) are overly optimistic. The Draft SEIR states that the increased operation of cruise ships associated with operation of the cruise ship terminal "could potentially" result in the degradation of water quality and thus the project "could result in a potentially significant" impact to water quality. We suggest that the project unquestionably "will" result in significant impacts in light of our extensive experience and knowledge of cruise ship practices.

The report's assertion that the mitigation measure put forward to address ship-related impacts on water quality, which very generally calls for a program to prevent cruise ships from discharging into the Bay, would reduce the water quality impacts to a less than significant level, is quite unrealistic. If the final SEIR plans to assert that this mitigation measure will do as much, it must be far more specific in stating what such a program should include, such as requiring zero discharge of gray water and sewage in the Bay, instituting a strong monitoring component with random sampling and inspections, and including interested environmental organizations and citizens in regular meetings to address ship discharge issues. 2

In light of the increased risk of oil spills posed by the increase in cruise ship traffic that will result from the project and the weakness of oil spill response organizations in San Francisco Bay, we strongly support the mitigation measure recommending that the cruise terminal operator develop a site-specific oil spill prevention and response plan (OSPRP) to supplement the general San Francisco plan, maintain a contract with the spill response calendar, and maintain on-site first response supplies. 3

The Draft SEIR neglects to address the impacts on water quality from the increase in the number of cruise ships in the Bay bearing tributyltin, or TBT, anti-fouling paint that will occur as a result of the project. TBT is a highly toxic biocide that is applied to the hulls of ships to prevent the growth of algae, barnacles and other marine organisms. TBT leaches from the paint and enters the marine environment where it accumulates in sediments, particularly in areas with heavy ship traffic such as ports. TBT disrupts the endocrine and immune systems of marine shellfish, and dead sea otters and dolphins have been found with TBT concentrations in their livers. Trace amounts of TBT are now found in almost all the world's harbors. According to the World Health Organization, TBT is one of the most toxic substances knowingly released into the environment today. Environmentally less harmful and effective alternatives to TBT-based paint exist. The final EIR should consider the increased impacts to water quality and biological resources that are likely to result from an increase in the number of TBT-painted cruise ships in San Francisco Bay, and propose mitigation measures, such as requirements to phase out TBT use on cruise ships, such as Alaska has done through Bluewater-sponsored state legislation in 2000, if the impacts are found to be significant. 4

The hydrology and water quality chapter of the Draft SEIR contains some significant inaccuracies. One, its statement that cruise ships do not typically take on or discharge ballast water is inaccurate and should be corrected. It further states that complaince with existing regulations would minimize the potential for introducing nonindigenous species into the Bay as well as protect Bay waters from other pollutants and contaminants present in ballast water, is also incorrect. In fact, cruise ships are in continuing violation of California's Ballast Water Management for Control of Nonindigenous Species Act and have been since the law went into effect in 2000. 5

Because the State Lands Commission (SLC) received commitments from the cruise lines that they would develop a plan to come into compliance at some future date, the SLC agreed to refrain from initiating legal action against the cruise lines for their ongoing violations. The cruise lines have not fulfilled their commitments to the SLC, and the SLC has recently stated that it is consulting with the Attorney General's office to determine how to address these violations. Bluewater Network would recommend that the Planning Department consult with the SLC to determine the potential impacts of cruise ships' ballast water management problems on San Francisco Bay, and include such impacts and mitigation measures if necessary in the final EIR. 5 Cont.

Secondly, the Draft SEIR states that California is developing legislation to monitor cruise ship pollution (page 102). In fact, this legislation, AB 2746, sponsored by Bluewater Network, was passed by the California Legislature and signed by Governor Davis in 2000. Pursuant to this legislation, an inter-agency Cruise Ship Environmental Task Force was formed in January 2001 to evaluate the environmental practices and waste streams of cruise ships operating in California for a period of two years. Cruise ship air emissions are be monitored by regulators, and cruise ships are required to report all discharges of sewage and other wastewater to the Task Force. The legislation requires the Task Force to prepare a report to the Legislature by June 2003 with recommendations on how to improve regulations that apply to cruise ship waste management practices in California. 6

The Draft SEIR should be corrected to reflect the existence and relevance of this legislation, and to take into account the possible environmental impacts of cruise ship waste management practices that may be revealed by the Task Force's report, as well as regulatory changes that may be recommended.

**Air Quality**

The Draft SEIR demonstrates that daily emissions from the cruise terminal would substanitally exceed the Bay Area Air Quality Management District's (BAAQMD) significance threshold of 80 lbs. per day for reactive organic gases (ROG), nitrogen oxides (NOx) and inhalable particulates (PM-10), and that annual emissions would exceed the BAAQMD's annual threshold of 15 tons per year for ROG and NOx in 2004 and ROG and PM-10 in 2020. The project will thus have significant regional and cumulative impacts on the Bay Area's already poor air quality. The Bay Area is currently in non-attainment of state and national ozone standards and the state PM-10 standard. NOx and ROG are precursors to ozone. Thus far in 2001, the Bay Area has exceeded the federal one-hour ozone standard once and the state one-hour standard fifteen times. Commercial marine vessels account for nine percent of PM and four percent of NOx emissions in California. The share is greater in the Bay Area, where commercial marine vessels produce 23 percent of the PM and 12 percent of the NOx in our air. 7

The Draft SEIR suggests that these significant impacts on air quality are unavoidable, yet it fails to include any mitigation measures to reduce emissions of air pollutants from cruise ships. There are several measures which are proven to reduce such emissions, and these should be included in the final EIR.

A primary source of air pollution from cruise ships in port is their operation of auxiliary engines and generators to power the ship. This can be reduced significantly by requiring the ships to turn off their engines and connect to shoreside power, as one ship has already begun doing in Alaska. This mitigation option should be addressed in the final EIR, and consequently, the energy consumption impacts of the project would have to be reassessed. Other mitigation options, such as requiring the ships to move at slower speeds (thus producing less emissions), install particulate matter traps and use cleaner burning, lower sulfur content fuel, gas turbine engines and enhanced combustion technology, should also be considered and included in the final EIR. 7 Cont.

A final note on air quality: The Draft SEIR notes that EPA issued a final rule in 1999 that establishes emissions standards for large commerical marine diesel engines which will take effect in 2004-2007, and that such standards will lead to significant reductions in NOx and PM emissions (page 120). This is in fact inaccurate. New EPA standards for harbor craft, including ferries, tugboats and other "Category 1 and 2" vessels, will phase in between 2004 and 2007, potentially reducing air emissions from these types of craft. But large ocean-going ships such as cruise liners – so-called "Category 3" vessels -- remain exempt from emissions standards. 8

In 1999, Bluewater Network filed a lawsuit against EPA for failing to regulate these marine engines. As a result of our legal settlement, EPA will begin a rulemaking process for controlling Category 3 vessel emissions in US waters beginning in April 2002, and publish a rule by January 2003. EPA has since informed Bluewater Network in our settlement negotiations that they may not be able to apply these regulations to non-US flagged ships. The overwhelming majority of cruise ships are foreign-flagged. The final SEIR should thus not assume that these future regulations will result in any reductions in NOx and PM emissions from foreign-flagged cruise ships.

**Biological Resources**

The Draft SEIR fails to examine the impacts of the operation of the cruise terminal on whales. The number of gray whales sighted in San Francisco Bay has risen significantly in recent years. Oceanic Society researchers counted 69 whale sightings in the bay in 2000, compared to 39 in 1999. Around the world, ships are striking and killing an alarming number of whales, many of them young whales and newborn calves. The death toll is likely to rise with the expansion of ocean cruising and global shipping. 9

This past summer, a pregnant humpback whale was struck and killed by a cruise ship in Glacier Bay, Alaska. In a report titled "Collisions between Ships and Whales" in January 2001, the journal of Marine Mammal Science found that, when combined with other human-related causes of death, ship strikes could imperil the long-term survival of species such as Eastern Pacific Gray whales that are found in San Francisco Bay. Other species of whales also travel the waters outside the gate that are traversed by cruise ships, including endangered humpback and blue whales, minke, sei, orcas and, occasionally, sperm and Pacific right whales. The final EIR should examine the impact of the increase in cruise ships in the Bay that will result from the project on the whale populations in the area, and propose mitigation measures if they are found to be significant. 9 Cont.

**Hazardous Waste**

The Draft SEIR fails to examine the potential risks and impacts associated with the increase in hazardous wastes present on the Bay and at the port that will result from the increase in cruise ships in the Bay. Cruise ships generate significant volumes of a variety of hazardous wastes, and have been known to illegally discharge hazardous wastes through their wastewater systems and to improperly handle, store and dispose of hazardous waste.

In 1999, the Florida Department of Environmental Protection initiated a dialog with the cruise industry after finding a pattern of violations of hazardous waste management regulations by cruise ships. This has led to the development of a cruise ship on-board hazardous waste stream checklist for the Coast Guard to incorporate into its routine inspections of cruise ships. It is our understanding that this checklist will be used for inspections in California, although this is something that should be ensured by the Department and the Port. We recommend that they also ensure that such inspections be tailored to incorporate and account for California's stricter state hazardous waste management regulations. 10

**Additional comments**

The Draft SEIR states that the number of cruise ship calls will increase from approximately 40 at present to 69 in 2004 and to 107 by 2020, increases of 73 and 168 percent, respectively, from current levels. In several places the Draft SEIR suggests that this growth would likely occur in the no project scenario, that Pier 35 would accommodate this many annual cruise ship calls (pages S-20, 179, 182, 183). This is inconsistent with more accurate assertions elsewhere in the report that Pier 35 would be inadequate to meet the Port's objectives with regard to attracting and servicing the cruise industry (page 180), and that the expected increase in ship calls would be 11

less than would occur with the proposed project in the no project alternative (page 183). These inconsistencies should be corrected.

We thank you very much the opportunity to comment on the Draft SEIR for this project, and look forward to participating further in the development process of San Francisco's cruise terminal to ensure that it is as environmentally sound as possible.

11 Cont.

Sincerely,

Kira Schmidt
Campaign Director

## LETTER L – KIRA SCHMIDT, BLUEWATER NETWORK

L-1) The commenter's concerns regarding the potential adverse water quality impacts of cruise ship discharges, and its claims that the cruise ship industry has a history of polluting the seas, are noted. In light of concerns over discharges from ships, including cruise ships, federal and state legislation has been enacted to address both intentional and incidental discharges. A discussion of these regulations is included in the DSEIR on pages 97 to 103, with the related impact analysis on pages 104 to 113.

To address the potential impacts associated with the introduction of non-indigenous species through ballast water discharges, the federal 1990 Non-Indigenous Species Act was enacted. As discussed in the response to Comment D-1, the State law, AB 703 became effective in January 2000. This law established a statewide mandatory ballast water management and control program under the jurisdiction of the State Lands Commission. Recognizing the need to address potential adverse impacts associated with the discharge of ballast water carried by ships arriving from foreign locations, the legislation requires additional research and evaluation of technologies to address ballast water treatment that is currently being conducted

In addition to legislative efforts to address cruise ship discharges, the International Council of Cruise Lines (ICCL) has indicated its recognition of violations of environmental laws involving cruise lines and the efforts of its members to strengthen its environmental policies and procedures. On December 1, 2001, the members of the ICCL, which includes all of the major cruise lines expected to call at the Port of San Francisco, unanimously adopted several mandatory waste management standards. These include meeting or exceeding international restrictions on the discharge of graywater, blackwater, bilge and oily waste residues, and restrictions or outright bans on discharge of silver (from photo processing), print shop waste fluids, dry-cleaning fluids, printer cartridges, unused pharmaceuticals, fluorescent and mercury vapor lamps, and batteries. (see: www.iccl.org/policies/environment.htm). The standards note that some member cruse lines are field-testing wastewater treatment systems that utilize advanced technologies.

One line testing such systems is Holland America, which regularly tests the water with an independent lab and makes those findings available to the U.S. Coast Guard. Those readings have revealed water with zero fecal coliform per 100 milliliters and non-detectable levels of suspended solids. Holland America's Alaska-bound Statendam and Zaandam employed the new treatment plants in 2001. Three other Alaska-bound vessels (Vollendam, Veendam, Ryndam) will have the system installed at a cost of $2.5 million by mid-2002. The Zaandam is scheduled to berth in San Francisco in 2002. The Vollendam and Veendam visited San Francisco in 2001 and the Ryndam in 2000, and all are expected to visit San Francisco in the near future.

It should also be noted that the Holland America cruise line is employing a new technology that purifies gray and black water to near-drinking quality. Developed by Zenon Environmental Inc. of Canada, the on-board treatment plant processes wastewater through a two-step bio-chamber stocked with bacteria that break down and consume harmful bacteria and chemical. Water then

passes through a filtration system that uses a vacuum to suck the water through thousands of tiny .03-micron tubes that allow only water molecules to pass. Suspended solids are left behind in the filtration chamber. Filtered water finally passes through ultraviolet light as a final polishing stage before discharge. The discharge water is pure and would meet EPA drinking water standards for a slight saline content, but would be re-used for deck wash-downs, laundry rinsing, engine cooling, and ballast. This water treatment system also eliminates any potential harmful impurities in ballast water that result from non-indigenous species.

The DSEIR overtly acknowledges the potential for substantial adverse water quality effects to occur as a result of cruise ship operations by concluding that such operations may result in a significant impact. While, as the commenter notes, the term "potentially" is used with regard to the statement of significance on page 108, page 109 of the DSEIR states: "Thus, due to uncertainty in the effectiveness of existing regulations and the potential for discharges to occur (although such occurrences would likely be very infrequent), the increase in shipping activities associated with the proposed project could potentially result in degradation of water quality. This would be considered a significant impact." The term "potentially" was used because it is not a certainty that cruise ship discharges would occur in San Francisco Bay and that such discharges would have substantial water quality effects. The conclusion of a significant impact carries the same weight under CEQA, regardless of how it is precisely worded.

Further, as noted in the response to Comment D-8, Mitigation Measure D.1 has been revised to better address potential cruise ship releases of incidental or intentional non-ballast water discharges to the Bay. As noted in the response to Comment D-3, Mitigation Measure D.2 has been added to the DSEIR, under which the project sponsor would initiate and maintain a program to prevent cruise ships at the proposed cruise terminal from releasing unauthorized ballast water discharges. Please see Section E, Staff-Initiated Text Changes, for these revisions to the DSEIR.

Regarding the sampling conducted in Alaska, it should be clarified that the salinity of seawater is 35,000 ppm (parts per million). By definition, salinity is the total of eleven of the most abundant dissolved elements in seawater; by weight, sodium and chloride make up most of the dissolved component of seawater. In seawater with a salinity of 35,000 ppm, the chloride concentration is 19,400 ppm. As such, according to the Port, the sampling findings of 70 mg/l (equivalent to 70 ppm) cited by the commenter may have violated Alaska's discharge freshwater quality standard, but a discharge of that size would have no adverse environmental effect on ocean water.

Regarding the Celebrity cruise ship incident to which the commenter refers, the investigation of that incident found that there was no indication of any criminal action. Indeed, there are no confirmed cases of such illegal discharges from cruise ships in San Francisco Bay. It should be noted that for analytical purposes, the Planning Department presumes that laws that are in place are adhered to and are part of the proposed project. Therefore, no additional mitigation is provided to address issues covered by an existing law or regulation. If the lack of enforcement of a law would potentially result in an identified adverse environmental effect not adequately being mitigated, then better enforcement of the law is required and not the creation of a new separate mitigation measure that supersedes the law.

L-2) Acknowledging the significant effects that could occur and that existing regulations would likely not be adequate to address those effects, the DSEIR includes Mitigation Measure D.1. As mentioned in the response to Comment L-1, the DSEIR has been revised to strengthen the existing mitigation measure and to add a new measure, which together better address the potential for ship-related discharges to the Bay. These mitigation measures are an effort, within the purview of this project and the City's jurisdiction, to minimize discharges by cruise ships in San Francisco Bay.

Also, please see the responses to Comments D-3 and D-8.

L-3) The measure to which the commenter refers is Improvement Measure D.2. Comment noted.

L-4) Tributyltin (TBT) is an anti-fouling paint that was banned for commercial use by the U.S. Environmental Protection Agency in 1987. In 2002, only one cruise ship built before 1987, the American Independence, which was built in 1950, will berth at the current San Francisco cruise terminal. In 2003, two additional ships, built prior to 1987, are scheduled to visit the Port. Assuming ratification by at least 25 countries, the United Nation's International Maritime Organization will mandate that shipping companies have until 2003 to stop using TBT and an additional five years to cover existing TBT paint on ship hulls. As such, even with an increase in the number of cruise calls that would occur as a result of the proposed project, because of the limited number of ships that use TBT and because by 2008 it is likely that no ships will be using it, this issue is not expected to be a potential threat to Bay water quality.

In addition, water quality impacts associated with the use of TBT for boat cleaning and maintenance are discussed in the Waterfront Plan FEIR (page 586) in a qualitative manner. That EIR determined that on a program level, water quality impacts associated with shipping and boating activities would be less than significant, assuming compliance with water quality regulations. Based on the same assumption, similar impacts associated with the proposed project would also be considered less than significant.

L-5) Please see the response to Comment D-6. In addition, with regard to the State Lands Commission, please see the responses provided for Letter D, which was submitted by the State Lands Commission.

L-6) To clarify that Assembly Bill 2746 has already been adopted, please see Section E, Staff-Initiated Text Changes for the appropriate revision to the DSEIR. As the findings of the task force will not be available until a future date, it would be speculative to try to include them in this document. The City and Port will continue to meet and enforce all applicable rules and regulations that apply.

L-7) Please see the responses to Comments I-1 and I-2.

L-8) The commenter is correct in noting that large cruise ships will be exempt from the new EPA standards that will take effect in 2004-2007. Therefore, the DSEIR's cruise ship air emissions analysis applied current emission factors to future ship activity and did not assume any reductions in future years related to the new standards. To clarify the DSEIR's discussion of this matter,

please see Section E, Staff-Initiated Text Changes for a revision to page 120 of the DSEIR. Also see Section E for three new mitigation measures that would minimize other aspects of air pollutant emissions associated with the proposed project.

L-9) Due to their winter migration pattern to and from Alaska, gray whales are generally present in the Bay during the months of December through May (Federal Register, November 26, 2001 Volume 66, Number 227). As the cruise season occurs in the months of May through October, there would be at most one month (May) during which both cruise ships and whales would be expected in the Bay. In addition, as explained in the response to Comment D-4, based on data provided by the United States Coast Guard Vessel Traffic Service in San Francisco, in 2001 there were a total of 70,738 intra-Bay vessel trips that transited through central San Francisco Bay (this number does not include the additional 8,628 vessel trips that were to or from destinations outside of the Bay). The number of cruise vessels estimated to visit the Port of San Francisco is 69 in 2004 and 107 by 2020. Even assuming that all of these vessel calls would represent new trips within the Bay, these trips would represent less than one-fifth of one percent (.2 percent) of the total vessel trips in the Bay. As such, the increase in the potential for whale strikes resulting from the additional vessel trips associated with the Cruise Terminal project would be considered negligible and therefore a less than significant impact.

L-10) The DSEIR addresses this issue on page 109, where it states: "Hazardous waste discharges associated with cleaning materials, paint, chemicals and solvents used in on-board activities such as dry cleaning and photo processing may be regulated under the Resource Conservation and Recovery Act, although the applicability to vessels is not clearly defined. Currently, the standard cruise ship procedures include no discharge of these substances to the Bay, and no changes to this procedure would occur under the proposed project." In addition, the DSEIR includes Mitigation Measure D.1, which states in part that "The project sponsor shall initiate and maintain a program designed to prevent cruise ships at the proposed cruise terminal from releasing incidental or intentional discharges to San Francisco Bay. The types of prohibited discharges would include sewage, gray water, hazardous waste, ballast water, solid waste, and fuel or oil-related substances." As such, this issue has been addressed in the DSEIR and no further analysis is required.

It should be noted, however, that the Port will encourage the U.S. Coast Guard to implement its on-board hazardous waste stream checklist as part of its inspections of cruise ships. Improvement Measure D.1, included in the DSEIR on page 173 and revised in Section E, Staff-Initiated Text Changes, includes maintaining the San Francisco Oil Spill Prevention and Response Plan and encourages the Port to require the cruise terminal operator to develop a site-specific plan to address such spills. In addition, as noted in the response to Comment L-1, Mitigation Measure D.1 has been revised to better address potential cruise ship releases of incidental or intentional non-ballast water discharges, including hazardous waste, to the Bay. Please see Section E, Staff-Initiated Text Changes for these revisions to the DSEIR. Further, the new cruise terminal would have a disposal contract in place to provide disposal services to ships which dock there.

L-11) To clarify, the DSEIR does not state that the projected growth in cruise ship calls from approximately 40 at present to 69 in 2004 and to 107 by 2020 would likely occur in the no-project scenario. The DSEIR does state that some or all of the projected increase in ship calls from 40 to 69 may occur without implementation of the Cruise Terminal project, but that the projected increase from 69 to 107 calls would occur only with implementation of the project.

On page 183 of the DSEIR, the description of the impacts of the No Project Alternative includes the statement that "Under this alternative, some or all of the expected increase from 40 to 69 in ship calls would likely still occur at Pier 35, thereby resulting in related increases in vehicle trip generation, parking and loading demand, transit use, and pedestrian and bicycle traffic." According to the Port of San Francisco, a co-sponsor of the Cruise Terminal project, this estimate of the increase in cruise ship calls is based on the report *Market Research for James R Herman Cruise Terminal, California, USA*, G.P. Wild (International) Limited and Larry Dessler Associates, May, 2000. The Cruise Terminal project description (page 7 of the DSEIR) states that "The proposed facility would be expected to serve about 69 calls (approximately 80,000 distinct passengers) in its first year of proposed operation in 2004, steadily increasing to as many as 107 calls (approximately 145,000 distinct passengers) by the year 2020." This statement is also correct and does not contradict the assumption that the number of ship calls may increase to as many as 69 calls in 2004, even if the proposed Cruise Terminal project is not built.

Also, see the response to Comment A-3.

On appeal from the Planning Commission's May 2002 certification of the Final Environmental Impact Report for the project, the San Francisco Board of Supervisors directed the Planning Commission and Planning Department to revise the FSEIR by more fully responding to Bluewater Network's comments concerning TBT and whale strikes. Since both of those issues were initially addressed in the April 30, 2002 Draft Summary of Comments and Responses (responses L-4 and L-9 respectively), the augmented responses are provided in this section.

L-4 Additional Response:

Anti-fouling paints are used to coat the bottoms of ships to prevent sea life such as algae and mollusks attaching themselves to the hull thereby slowing down the ship and increasing fuel consumption. In the early days of sailing ships, lime and later arsenic were used to coat ships' hulls, until the modern chemicals industry developed effective anti-fouling paints using metallic compounds. These compounds slowly leach into the sea water, killing barnacles and other marine life that have attached to the ship. Studies have shown that these compounds persist in the water, killing sea life, harming the environment and possibly entering the food chain.

As noted in response L-4 above, cruise lines that most frequently operate out of San Francisco state that they do not use TBT as an anti-fouling paint. Princess Cruise Lines states that they use a Sigma product alternative that does not contain TBT. The hulls of their vessels are generally repainted twice every five years (source: Alberto Daste, Princess Cruise Lines, personal communication, June 2002). According to Crystal Cruise Lines, anti-fouling paints are not used

at all and their ships are free from TBT. Their ships normally get a refreshing coat each dry-dock occurring at two year intervals (source: Tom Greene & Octavio Sanchez, Crystal Cruise Lines, personal communication, June 2002). Holland America reports that they do not use TBT paint on their vessels and they paint their hulls every drydock which occurs at 30 month intervals (source: Richard Softye, Holland America, personal communication, June 2002). These cruise lines represent about 71% of cruise ship calls to San Francisco scheduled for 2002.

The likelihood of cruise ships arriving in SF Bay having TBT is remote because the EPA ban on TBT is already in effect. Cruise ships generally require dry-docking every two to three years; ships built before 1987 (before the EPA ban) would likely have needed to dry-dock at regular intervals since the ban came into effect. Therefore, by 2002 these ships would have received new coats of bottom paint that does not include TBT. In 2002, one cruise ship built before 1987, the American Independence, built in 1950, was scheduled to berth at Pier 35, the current San Francisco cruise terminal. However, this vessel was recently taken out of commercial operation and will be "mothballed" in Suisun Bay and eventually sold for scrap (source: Gerry Roybal, Port of SF, personal communication, July 2002). In 2003, two additional ships, built prior to 1987, are scheduled to visit the Port.

If a cruise ship is serviced in the United States, then TBT cannot be applied to the hull per the EPA ban. According to the IMO, various countries such as Canada, Japan, France, Holland, Sweden, South Africa and other EU countries have banned the use of TBT for vessels larger than 25 meters (source: International Maritime Organization, *Anti-fouling Systems: Moving Towards the Non-Toxic Solution*, April 1999). If a cruise ship is serviced elsewhere, then many countries have already banned the application of TBT. Although there is a dry docking facility in Vera Cruz, Mexico, they service a small portion, if any, of the cruise ships that would eventually arrive in San Francisco. It is unclear what the status of TBT regulation is in Mexico. SF Drydock believes that it is not likely that TBT would be applied to these ships, but it is possible (source: Rich Haver, SF Drydock, personal communication, August 2002).

There are occasional cruise ships that do not regularly travel along the western Pacific coast (i.e., originate from non-western Pacific coasts). In 2002, there are two cruise ships that originate from Japan, but as noted, Japan has banned TBT use. There is one other such cruise call in 2002, and as many as four in 2003. Of these potential cruise calls, it may be possible that some of these ships whose country of origin may not have a relevant TBT regulation and that TBT could be applied to their hulls. As noted earlier, this should be eliminated if and when the IMO treaty is ratified.

Alaskan state law (SB 266, April 2002), prohibits cruise vessels painted with TBT from entering state waters after January 2001 (Robert Adamson, Oceans Blue Foundation, *Report on the International and Domestic Regimes Regulating Waste Streams and Other Marine and Terrestrial Environmental Impacts of Cruise Ship Operations*, February 2002). Currently, the majority of cruise ships from San Francisco travel to Alaska.

The Port has collected sediment samplings at Pier 35 where cruise ships currently berth. The results show TBT levels either below detection limits or, in one instance, at a relatively low level of 4.6 ppb (Harding Lawson Associates, 2002; Advanced Biological Testing 1994, 1996 and 1998).

Even with an increase in the number of cruise calls that would occur as a result of the proposed project, because of the limited, if any, number of cruise ships expected to call at the Port of San Francisco that currently use TBT and because by 2008 it is possible that no ships will be using it, TBT as a result of the project is not expected to be a significant threat to Bay water quality.

L-9) Additional Response:

Commenter is correct in noting that ship collisions with whales is a growing problem around the world as whale populations and ship activity increase. A recent scientific study of this issue concludes that "ship collisions probably have a negligible effect on the status and trend of most whale populations, but for very small populations of discreet groups, they may have a significant effect" (Laist, David W. et al, *Collisions Between Ships and Whales*, January 2001). The study further concludes that injuries noted on stranded ship-struck whales suggest that large vessels are the principal source of severe injuries to whales. Collision accounts suggest that serious injuries to whales occur infrequently at vessel speeds below 14 knots (nautical miles per hour, where a nautical mile is equivalent to about 1.15 miles) and rarely at speeds below 10 knots. While cruise ships can travel at higher speeds when in the open ocean, they typically slow to well below those levels when nearing port and areas of higher ship activity (e.g. the approach to and within San Francisco Bay). Commercial ship traffic within and approaching San Francisco Bay is currently subject to a maximum speed of 15 nautical miles (knots) per hour, enforced by the U.S. Coast Guard (Richard Lopez, U.S. Coast Guard, personal communication, August 2002). This speed limit applies when it is navigationally feasible (i.e., as long as it is safe). The San Francisco Bar Pilots, who pilot cruise vessels into the Bay, report that the average speed of cruise ships and other large commercial vessels once they enter the Bay is 10-12 knots (Peter McIsaac, San Francisco Bar Pilots, personal communication, July 2002).

The National Marine Fisheries Service (NMFS) keeps records on reported whale strikes along the California coast. Communication with NMFS staff reveal that there are no NMFS records of a cruise ship colliding with a whale, although it was recognized that one reason may be that the cruise ships are large enough that they don't "feel" the collision and therefore do not report it. The NMFS reports that ship collisions with whales that have been reported have almost exclusively been associated with military (e.g. Navy) and freight ship traffic. The San Francisco Bar Pilots report that they are responsible for an average of more than 8,000 vessel moves each year and are not aware of a single instance of a piloted ship colliding with a whale over the last 20 years (Russell Nyborg, San Francisco Bar Pilots, letter to San Francisco Planning Department, July 8, 2002).

Due to their winter migration pattern to and from Alaska, gray whales are generally present in San Francisco Bay during the months of December through May (Federal Register, November

26, 2001, Volume 66, Number 227). As the primary cruise season occurs in the months of May through October, there would be limited periods during which both significant numbers of cruise ships and whales would be expected in the Bay. Whales are present throughout much of the year in the ocean waters outside the Golden Gate and collision with a cruise ship in those waters would be possible. However, as noted above in response L-9, the number of cruise ship vessels estimated to visit the Port of San Francisco as a portion of all Bay Ship traffic is very small (less than one-fifth of one percent) it therefore supports the conclusion that the impact would be less than significant. Nevertheless, the Port would work with the U.S. Coast Guard to reduce the maximum vessel speeds for cruise ships entering San Francisco Bay.

# APPENDICES

**A. Board of Supervisor's Motion No. M02-100, as amended, July 1, 2002**

**B. California State Lands Commission, letter of May 9, 2002**

**C. California State Lands Commission, letter of June 24, 2002**

# APPENDIX A

## BOARD OF SUPERVISOR'S MOTION NO. M02-100, AS AMENDED JULY 1, 2002

FILE NO. 021164

As amended in Board
7/1/02
MOTION NO. M02-100

[Adopting findings related to the appeal of the Planning Commission's certification of the San Francisco Cruise Terminal Mixed Use Project and Brannan Street Wharf Project FSEIR.]

**Motion adopting findings related to the disapproval of the certification by the Planning Commission of the Final Supplemental Environmental Impact Report for the San Francisco Cruise Terminal Mixed Use Project and Brannan Street Wharf Project located at Pier 30-32, Seawall Lot 330, and in the location of Piers 34 and 36, in the Port of San Francisco.**

The Board of Supervisors held a duly-noticed public hearing on June 24, 2002 to consider the appeal of the certification of the Final Supplemental Environmental Impact Report ("FSEIR") for the San Francisco Cruise Terminal Mixed Use Project and Brannan Street Wharf Project ("Project"); and

The FSEIR files and all correspondence and other documents have been made available for review by the Board of Supervisors, the Planning Commission and the public; these files are available for public review by appointment at the Planning Department offices at 1660 Mission Street, and are part of the record before the Board of Supervisors; and

This Board has reviewed and considered the FSEIR and the FSEIR files, and heard testimony and received public comment and written correspondence from the public and public agencies regarding the adequacy of the FSEIR; and

This Board adopted Motion No. M02-99 disapproving certification of San Francisco Cruise Terminal Mixed Use Project and Brannan Street Wharf Project FSEIR, and Motion No. M02-94 directing the Clerk to make findings disapproving certification, both now on file with the Clerk of the Board of Supervisors in File No. 020946, which are hereby declared to be a part of this motion as if set forth fully herein; and, now, therefore, be it

MOVED, That this Board of Supervisors remands the FSEIR to the Planning Commission and the Planning Department for further action consistent with the Board's findings and;

MOVED, That the Board of Supervisors finds that the FSEIR for the Project is not in all portions adequate, accurate and objective ~~in all portions~~, that its conclusions are not in all portions correct ~~in all portions~~, and that the findings contained in the Planning Commission's certification are not in all portions correct ~~in all portions~~. The Board of Supervisors hereby directs the Planning Commission and Planning Department, to revise the FSEIR, as may be appropriate under CEQA, specifically as follows:

1. More fully respond ~~Incorporate~~ to the comments of the State Lands Commission in its May 9th 2002 letter to the Planning Commission, and incorporate text corrections in the SEIR ~~where appropriate as requested by State Lands Commission~~.

2. (a) Strengthen the mitigation measure addressing ballast water impacts by having the project sponsor initiate and maintain a program to prohibit cruise ships from releasing unauthorized ~~all~~ ballast water discharges into San Francisco Bay under requirements that are at least as protective as the requirements of California Public Resources Code Section 71200 et seq. (AB 703) and subsequent regulations applicable to cruise ships that pertain to the management of ballast water for the control of non-indigenous species.

(b) Expand the role of the working group identified in Mitigation Measure D.2 to review and evaluate new technologies for treating ballast water, if and when approved by federal and state agencies, and to make recommendations to the project sponsor for incorporation of such technologies into the project or imposition of requirements on cruise vessels in the future.

3. Include an improved explanation of the feasibility of cruise ship air quality mitigation measures suggested by ~~commentors, including~~ the appellants and the Bay Area Air Quality Management District ("BAAQMD") ~~and Portside Neighborhood Committee~~.

4. Strengthen the air quality mitigations by expanding the role of the working group to establish specific criteria for adoption by the project sponsor, ~~aimed at~~ that will reduce ~~ing~~ the air quality impacts of cruise ships using the project. The role of the working group should also encompass review and recommendation to the project sponsor for adoption of expanded ~~potential~~ mitigation measures, and recommendation for adoption of fee incentive programs to reward cruise lines that meet or exceed emissions reduction criteria. Such ~~potential~~ mitigation measures to be evaluated by the working group for adoption include (a) requiring ships to use low-sulfur diesel fuel while in port, (b) using technologies and fuels that reduce nitrogen oxide and PM emissions, (c) operational controls such as reduced speed on approach, and (d) requiring the project sponsor to contribute to programs that will result in the reduction of pollutants in the area.

5. Strengthen the mitigation for ship-related water quality to prohibit cruise ships from releasing any gray water, wastewater, or other hazardous material into San Francisco Bay~~, and the Farallons and Monterey Bay Marine Estuary~~.

6. Strengthen the discussion of TBT and its impacts in the EIR, using additional sources to illustrate the problem.

7. Strengthen the discussion of Whale strikes in the SEIR, using additional sources such as National Marine Fisheries Service and Water Transit Authority.

File No. 021164

**I hereby certify that the foregoing Motion was APPROVED AS AMENDED on July 1, 2002 by the Board of Supervisors of the City and County of San Francisco.**

Gloria L. Young
Clerk of the Board

# APPENDIX B

## CALIFORNIA STATE LANDS COMMISSION, LETTER OF MAY 9, 2002

STATE OF CALIFORNIA GRAY DAVIS, *Governor*

**CALIFORNIA STATE LANDS COMMISSION**
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

**PAUL D. THAYER,** *Executive Officer*
(916) 574-1800 FAX (916) 574-1810
*California Relay Service From TDD Phone* **1-800-735-2922**
*from Voice Phone* **1-800-735-2929**

***Contact Phone:*** **(916) 574-1868**
***Contact FAX:*** **(916) 574-1885**

May 9, 2002

File Ref: SCH#1994123007

Mr. Rick Cooper
San Francisco Planning Department
1660 Mission Street, Fifth Floor
San Francisco, CA 94103

Dear Mr. Cooper:

This letter is in response to the Draft Summary of Comments and Responses for the San Francisco Cruise Terminal Mixed-Use Project and Brannan Street Wharf Project, SCH# 1994123007. The environmental document is scheduled to go before the Planning Commission on May 9, 2002; however, CSLC staff does not believe that the responses provided have adequately addressed the issues raised in our letter dated January 2, 2002. We, therefore, request that the Planning Commission address the following issues prior to finalizing and approving the environmental document for this project.

1. Page C & R 49 - 2nd full paragraph states that, "... adverse impacts associated with non-indigenous aquatic species in San Francisco Bay as a result of cruise ships is believed to be relatively low." Later in the paragraph the document states that, ". . in recognition that the risk of potential non-indigenous species introductions is probably low. . " Please provide supporting documentation for these statements. Most researchers working on ballast water related issues believe that the quality of ballast water discharged is more important than the quantity of water discharged. Furthermore, holding time for ballast water has been shown to be a key indicator of risk. Vessels that hold ballast water for shorter durations, as is the case with the cruise industry operating in California, have higher numbers of viable organisms in their ballast water at the time of discharge.

2. Throughout the document, it is argued that since the cruise vessels expected to operate in the San Francisco Bay area generally discharge small amounts of ballast water (570 MT/voyage) relative to other commercial vessels, their impact on water quality and biological resources is also small. However, as was

mentioned previously (CSLC comment letter dated January 2, 2002) the quantity of ballast water discharged is likely not the key factor associated with risk of invasions.

Most cruise vessels operating in California operate in the near-shore environment (within 20 NM of shore) and have short duration cruises (3-7 days). Several studies have looked at the viability of organisms with age of ballast water (see Cohen 1998 for list) and have shown that shorter voyages are likely to yield higher survival among the tank biota. Additionally, Hines and Ruiz (2000) have identified several factors that contribute elements of risk for invasions including short voyage time, patterns of repeated delivery from same donor locations, and the match of environmental conditions of ballast water delivered.

The majority of cruise vessels: 1) use near-shore shallow water for ballast; 2) are, in general, on set repeated voyages; 3) do not conduct mid-ocean exchanges; and 4) have voyages of short duration. As a result, these vessels likely increase the potentially significant adverse impacts on water quality and biological resources in the San Francisco Bay. This issue should be addressed in the document. The document argues that since there is "no accepted quantitative method for determining risk of exotic species introductions," they should not be required to pursue this important issue further. Several studies have been conducted to investigate ballast tank biota and the potential impact of those organisms on receiving waters (Cohen 1998 presents a review of some). Additionally, the Port of Oakland, as mitigation for their port expansion, is required to evaluate the ballast tank biota arriving in container vessels and assess the risk to biological resources in and around the Port. A similar study should be implemented for this project that addresses the unique operational issues associated with cruise vessels in the state.

The documents argue that since cruise vessels typically take on ballast water at other western U.S. or western Canadian ports before entering the Bay, there is reduced risk. Since most of the vessels that arrive from "other U.S. West Coast ports" did not conduct a mid-ocean exchange, any water discharged into San Francisco Bay is likely to contain a mixture of waters that includes NAS. Again, due to the voyage patterns and duration, ballast water discharged from cruise vessels may pose more of a threat to receiving waters, not less.

3. Page C&R 51 - Unlike the cruise vessels from Mexico, which are not conducting an exchange, the vast majority of commercial vessels (container, bulk, tank, etc.) entering California waters, which have come from Asian ports, are conducting the required mid-ocean exchange.

   One of the key management requirements of the California law is for vessels to conduct a mid-ocean exchange prior to discharging ballast in California water. The reason behind this requirement is that mid-ocean water is generally less

biologically diverse than near-shore waters. Additionally, mid-ocean organisms are less likely to survive in the highly variable environs of near-shore waters.

4. Page C&R 54 - The response to shore-based treatment system should be reconsidered. First, the capitol costs of shore-based treatment system cited from the CAPA report are for all vessels and ballast water. Additionally, the costs are associated with "retrofitting" existing port side facilities. This project has an opportunity to incorporate a treatment system, specific to cruise vessels, during the design and construction. This option, a shore-based treatment system able to accommodate the ballast water discharged by cruise vessels, should be more fully evaluated and discussed in the document.

5. Page C&R 55 and MM D.1 - As a mitigation measure for prevention of ballast water discharge, the Port proposes to create and maintain a program designed to prevent discharge by cruise vessels into San Francisco Bay. The response to comments states that the Port will ensure compliance with all relevant laws. Will the Port prevent cruise ships from docking if the ships do not comply?

6. Page C&R 56 - As another reason for not deeming ballast water discharge a significant impact, the Port response states that discharge of ballast water by cruise ships should be prevented by better enforcement of existing state law. CSLC staff has found that cruise lines have difficulty in complying with this law because their routes often do not permit mid-ocean exchanges. Thus, as a practical matter, ballast water discharge from cruise ships is likely to occur as a result of the project and the EIR should address this. The EIR states that the Port will insure compliance with all relevant law. As asked above, will the Port prevent cruise ships from docking if the ships do not comply? Finally, to prevent cruise ship discharges, the Port is relying on a law that sunsets in January, 2004. This part of the EIR analysis is based on a law that, by its present terms, will not exist when the terminal is in operation. Again, the EIR should address this issue.

7. Page C&R 56 - Please note, the U.S. Coast Guard (USCG) does not enforce the California Ballast Water Law. The USCG's program is voluntary in nature. Additionally, the State Water Resources Control Board does not have any enforcement authority over ballast water discharges from cruise vessels or any other commercial vessel. Currently, the Clean Water Act exempts ballast water.

8. Page C&R 130 - revised text for page 101 & 109 - is only partially correct. As stated previously, the quality of ballast water is as important, if not more important, than the quantity.

9. Page C&R 131 - revised text for page 110 - again please supply documentation supporting the statement that infrequent discharges are expected. Does the applicant expect vessels to take on potable water or fuel while in port? If so, ballast water discharge will likely occur.

We appreciate your consideration of these comments. If you have any questions please contact Maurya Falkner of the Marine Facilities Division at (562) 499-6312.

Sincerely,

Stephen L. Jenkins, Asst. Chief
Division of Environmental
Planning and Management

cc: Paul Thayer
Gary Gregory
Dwight Sanders
Kevin Mercier
Maurya Falkner

# APPENDIX C

## CALIFORNIA STATE LANDS COMMISSION, LETTER OF JUNE 24, 2002

TATE OF CALIFORNIA GRAY DAVIS, Governor

CALIFORNIA STATE
LANDS COMMISSION

CRUZ M. BUSTAMANTE, *Lieutenant Governor*
CATHLEEN CONNELL, *Controller*
3. TIMOTHY GAGE, *Director of Finance*

EXECUTIVE OFFICE
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

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*from Voice Phone* 1-800-735-2929

June 24, 2002

The Honorable Tom Ammiano
President, Board of Supervisors
City and County of San Francisco
City Hall, Room 244
San Francisco, CA 94102

RECEIVED
JUN 26 2002
PLANNING DEPT

Dear President Ammiano:

Staff of the California State Lands Commission has reviewed the letter of June 18, 2002, to you and Members of the Board of Supervisors from Mr. Paul Malzer, Environmental Review Officer, Planning Department, regarding the "Appeal of the Final Supplemental Environmental Impact Report (FSEIR) for the San Francisco Cruise Terminal Mixed-Use Project and Brannan Street Wharf Project".

We remain concerned with the City's proposed approach to the control of ballast water from cruise ships, which is the primary vehicle for the introduction of invasive species into the San Francisco Bay Estuary and its related environments. Last week at the hearing held in Washington, D.C., by the Subcommittee on Environment, Technology, and Standards of the House Committee on Science, it was revealed that invasive species cause, nationwide, nearly $ 137 billion dollars in damage and economic loss. Dr. David Lodge, Professor of Biological Sciences at the University of Notre Dame, testified that, "invasion is forever. Biological invasions are the least reversible form of pollution," and that "...prevention should be the primary focus."

The prevention of additional discharges of ballast water that could contain invasive species and the concern that the FSEIR did not deal with this sufficiently was the primary focus of our letter of comments to the FSEIR of May 9, 2002. The responses of the City's staff to our comments do not eliminate such concerns. For example, for reasons stated in our letter, we concluded that, "As a result, these vessels (cruise) likely increase the potentially significant adverse impacts on water quality and biological resources in the San Francisco Bay."(Elaboration added) The City's response, contained in its letter to you of June 18, 2002, reveals an emphasis contrary to that of experts such as Dr. Lodge. Specifically, ". if ballast water discharges occur and they contain non-

indigenous species, they would be introduced into a Bay that is already a very diverse aquatic ecosystem; and there is no conclusive evidence that the release of any ballast water by cruise ships in the Bay would have substantial adverse impacts." We respectfully disagree and urge the City to prevent the illegal discharge of any additional ballast water into the Bay as a result of this project.

Our second concern relates to the proposed mitigation measure, D.2, that the City indicates will prevent such discharges. At first examination, the measure appears not to conform to the principles and requirements established in *Sundstrom v. County of Mendocino* (1st Dist. 1988) 202 Cal. App3rd 296[248 Cal Rptr. 352]. The mitigation, as proposed, ". a program to prevent cruise ships at the proposed terminal from releasing unauthorized ballast water discharges..."is problematic for the following reasons: 1) it is to be developed after project approval; 2) it leaves the totality of program design and implementation to the project sponsor; and 3) it is vague as to its ultimate content. The consequences are such that the Board losses its flexibility to amend its action, if required, and its ability to ensure that the mitigation is sufficient and has, in fact, addressed the potentially significant impact. Furthermore, the mitigation relies on unknown "subsequent regulations", thereby rendering meaningless the aim of the term "unauthorized ballast water discharges" in existing law and in the prevention of known potentially significant biological impacts to the Bay. In addition, there is no indication that the program is to be in place and operational prior to the use of the cruise terminal.

We suggest that the Board examine its options to ensure that these matters are addressed in the environmental process rather than in the implementation of the proposed project. Thank you for your consideration of these comments.

Sincerely,

Dwight E. Sanders

Dwight E. Sanders, Chief
Division of Environmental
Planning and Management

Cc: Paul D. Thayer, Executive Officer
Jack Rump, Chief Counsel
Gary Gregory, Chief, Marine Facilities Division
Richard Cooper, San Francisco Planning Department

# CHAPTER X
## APPENDICES

APPENDIX A: Notice of Preparation and Responses to Notice of Preparation

APPENDIX B: BCDC Special Area Plan Excerpts Regarding the Brannan Street Wharf

APPENDIX C: Ship Emissions Calculations

APPENDIX D: California State Assembly Bill 1389

APPENDIX E: Supplemental Dredging Information

APPENDIX F: Adopted 1997 Waterfront Plan FEIR Mitigation Measures

# APPENDIX A

## NOTICE OF PREPARATION AND RESPONSES TO NOTICE OF PREPARATION

**NOTICE THAT A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT IS DETERMINED TO BE REQUIRED**

**Date of this Notice:** June 9, 2001

**Lead Agency:** City and County of San Francisco, Planning Department
1660 Mission Street, 5th Floor, San Francisco, CA 94103

**Agency Contact Person:** Rick Cooper **Telephone:** (415) 558-5974

**Project Title:** 2000.1229E: San Francisco Cruise Terminal Mixed Use Project and Brannan Street Wharf Project

**Project Sponsor:** Port of San Francisco and San Francisco Cruise Terminal, LLC
**Project Contact Person:** John Doll **Contact Phone #:** (415) 274-0639

**Project Address:** San Francisco Bay Waterfront: Pier 30-32, Seawall Lot 330, and Piers 34 & 36
**Assessor's Block/Lot:** Block 3770, Lots 1 & 2; Block 3771, Lot 1; and Block 9900, Lots 30, 32, 34 & 36
**City and County:** San Francisco

**Project Description:** The proposed project would involve the construction of two berths, including necessary dredging, and a new terminal for cruise ships that call at the Port of San Francisco, as well as ancillary commercial development, all on Pier 30-32. The proposed project also would include construction of a residential project on Seawall Lot 330, across The Embarcadero from Pier 30-32. The cruise terminal is proposed to contain about 100,000 square feet of floor area, while the commercial component is proposed to include about 460,000 gross square feet (gsf) of office space and about 220,000 gsf of retail, restaurant and entertainment (cinema) space. About 450 parking spaces would be provided on the pier. The proposal includes repairing and reconfiguring the pier to provide waterfront open space, berthing for ferries and recreational boats, and preservation of Red's Java House. The residential component, on the block bounded by The Embarcadero and Beale and Bryant Streets, would include approximately 350 dwelling units and about 350 off-street parking spaces. The SEIR will also analyze the proposed Brannan Street Wharf in the current location of Piers 34 and 36, which would be demolished to create waterfront open space and to enable the construction of an approximately 57,000-square-foot park along The Embarcadero. This project would be implemented by the Port on a separate timeline.

**Supplemental EIR Scope:** The Supplemental EIR will supplement the Waterfront Land Use Plan EIR (Case No. 94.115E, State Clearinghouse No. 94123007, certified January 9, 1997). The Supplemental EIR will describe changes in the setting since certification of the Waterfront Land Use Plan EIR, as well as any new information that has become available, and will assess project-specific, cumulative, direct, and indirect impacts affecting the physical environment. It is currently anticipated that the Supplemental EIR will update the following areas from the Waterfront Land Use Plan EIR: land use, visual quality, transportation, air quality, hydrology and water quality, wind, shadow, and hazardous materials.

**THESE PROJECTS MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND A SUPPLEMENT TO THE WATERFRONT LAND USE PLAN ENVIRONMENTAL IMPACT REPORT (Case No. 94.115E, State Clearing House No. 94123007, certified January 9, 1997) IS REQUIRED.** This determination is based upon the criteria of the Guidelines of the State Secretary for Resources, Section 15162 (Subsequent EIRs), Section 15163 (Supplement to an EIR), 15064 (Determining Significant Effects), and 15065 (Mandatory Findings of Significance).

Comments on the scope of the Supplemental EIR will be gladly accepted prior to close of business July 9, 2001.

PAUL MALTZER, Environmental Review Officer

PORTSIDE NEIGHBORHOOD COMMITTEE
38 Bryant Street, Suite 100
San Francisco, CA 94105

July 9, 2001

Mr. Rick Cooper, Planning Department
City and County of San Francisco
1660 Mission Street, Suite 500
San Francisco, CA 94103-2414

**Subject:** **San Francisco Cruise Terminal Mixed Use Project and Brannan Street Wharf Project Supplemental EIR**

Dear Mr. Cooper,

Thank you for the opportunity to comment on the above referenced document. The Portside Neighborhood Committee offers the following comments:

Under CEQA, an EIR should identify and analyze the possible significant environmental impacts of a proposed project. CEQA § 21100(b)(1); CEQA Guidelines §§ 15126(a), 15126.2(a). A significant effect on the environment means "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance..." In addition, "a social or economic change related to a physical change may be considered in determining whether the physical change is significant." CEQA Guidelines § 15382. "The significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence." CEQA Guidelines § 15143; *see also* CEQA §§ 21002.1(e), 21100(c); CEQA Guidelines § 15128. Analysis should therefore contain a discussion of the project's environmental setting, to "constitute the baseline physical conditions by which a lead agency determines whether an impact is significant." CEQA Guidelines § 15125(a). For the purpose of this study, the baseline conditions should be based on current Port of San Francisco cruise ship operations data through the end of 2000, and based on current legislation. "A lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project." CEQA Guidelines § 15065. "Drafting an EIR...necessarily involves some degree of forecasting. While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can." CEQA Guidelines § 15144.

The EIR should also identify feasible mitigation measures and feasible environmentally superior project alternatives for the agency's consideration. CEQA §s 21002, 21081(a); CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), 15091(a)(1). The EIR should describe those significant environmental impacts that cannot be avoided because there are no feasible mitigation measures or because feasible measures cannot mitigate the impacts to a less than significant level. CEQA Guidelines §§ 15126(b), 15126.2(b). If such unmitigatable significant impacts can be avoided by adopting an alternative design, the EIR must describe the "implications" of not adopting that alternative. CEQA Guidelines § 15126(b); CEQA § 21100(b)(2)(A). The EIR should additionally identify "cumulative impacts," defined as "two or more individual effects which, when considered together, are considerable or...compound or increase other environmental impacts." CEQA Guidelines § 15355. Cumulative impacts take into account the project's impacts combined with the impacts of other projects in the study area. CEQA Guidelines § 15130(a)(1).

## 1. Circulation of the Notice of Preparation

With regard to the Notice of Preparation (NOP) of the Supplemental EIR, the notice did not include a map or geographical description of the project as recommended by CEQA. It is important that the full scope and objectives of the proposed project be adequately defined at the outset of environmental review. "A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental costs, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the 'no project' alternative) and weigh other alternatives in the balance." (County of Inyo v. City of Los Angeles (1977) 71 Cal.App.3d 185, 192-193.)

We feel that the Planning Department is unfairly inconsistent in its approach to NOP circulation; the recent NOP for the Rincon Hill Mixed Use District, Case No. 2000.1081E, dated March 10, 2001 contained 32 pages of project description, stated objectives, project components, projected development, related projects and planning efforts, approval requirements, and a detailed summary of potential environmental impacts. When compared to the Rincon Hill NOP, the single page NOP for the Supplemental EIR for the Cruise Terminal Mixed Use Project (with no graphical information whatsoever) appears to have provided a "curtailed or distorted project description" which effectively limits the scoping capabilities of the affected outsiders and public decision-makers.

In addition, it has come to our attention that analyses for the Draft EIR are being currently conducted, and have been for some time. While CEQA provides that the "Lead Agency may begin work on the draft EIR immediately without awaiting responses to the Notice of Preparation," (CEQA Guidelines § 15082(a)(4)), CEQA also states that "*Immediately* after deciding that an Environmental Impact Report is required for a project, the Lead Agency shall send to each Responsible Agency a Notice of Preparation stating that an Environmental Impact Report will be prepared. CEQA Guidelines § 15082(a). In meeting minutes of the Port of San Francisco Waterfront Design Advisory Committee dated May 15, 2001, it clearly states: "an Environmental Impact Report (EIR) is currently being prepared for the project. A Draft EIR will be available for public review in June 2001." Given an approximate six-month timeframe for the preparation of an EIR for a project this size, it seems that analyses for the EIR have been ongoing for some time.

While perhaps not explicitly prohibited by CEQA, this practice defeats the purpose of a public scoping process by completing the bulk of the EIR in a vacuum without input from the public and trustee agencies. In doing so, the environmental impact and alternatives analyses contained in the EIR suffer from a biased view of the Lead Agency, with the necessary scoping comments dealt with in an offhand manner at a later date. This practice is contrary to the intent of CEQA to provide equal weight in any feasible alternative and undermines the public scoping process.

In order to negate the implied intent of the Lead Agency to push this EIR through the CEQA process with as little public input as possible, we recommend the following: (1) recirculation of the NOP with detailed discussions of the project description, including massing plans and elevations, clearly stated project objectives, project components, projected development, related projects and planning efforts, approval requirements, a more thorough discussion of the relationship between this supplemental EIR and the Waterfront Plan EIR, and a thorough summary of the potential environmental impacts of the proposed project (environmental checklist), and (2) public scoping meetings to ensure that the Lead Agency has appropriate public input with regard to environmental impact and alternatives analyses. In addition, we urge the Lead Agency to conduct analyses in the EIR with equal weight given to the public scoping comments compared with impact assumptions that have driven analyses conducted thus far.

## 2. Analyses of Potential Environmental Impacts

With regard to the analyses of potential environmental impacts due to the proposed project, the Portside Neighborhood Committee requests the following analyses be performed:

### 2.1 Earth

The EIR should discuss the amount of dredging of San Francisco Bay required for the berths at Piers 30-32. Discussion should include both construction dredging and maintenance dredging for the life of the project. The operation of dredging equipment should be included in analyses for Air Quality (2.2), Water (2.3), and Natural Resources (2.8) for both the construction and operation of the project.

The EIR should detail the amount of cut and fill required for the construction of the proposed project, and any contaminants contained within the soils of the site, as well as identify the location for disposing of any excess cut and the implications of storing any contaminated soils. Because the nearby Pacific Bell Park construction site contained contaminated soils, and due to construction staging stored contaminated piles on site for long periods of time, this issue is particularly relevant to projects in this neighborhood.

### 2.2 Air Quality

The proposed project has potential impacts to air quality in terms of state and federal criteria pollutants, air toxics emissions, and the cumulative impacts of nearby construction projects, surface traffic congestion, and the Bay Bridge.

The EIR should identify any adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Air quality impacts from both construction and operations of the project should be considered. Construction related impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from excavating, dredging, grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operational-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust), as well as the cruise ships themselves. Air quality impacts from indirect sources, that is, sources that generate or attract vehicular trips, as well as any induced increase in cruise ship operations due to the proposed project, should be included in the evaluation.

In compliance with the California Air Resources Board (ARB) Air Toxics program and Air Toxics Hot Spots Program, the EIR should calculate the inventory of toxic emissions related to the proposed project. Specifically, due to the operation of the cruise terminal and the cruise ships themselves, analyses should be conducted to determine the impacts on air quality from diesel engine exhaust (particulate matter and total organic gas), diesel fuel (marine), as well as any toxic emissions due to the operation of or the on-site fuel dispensing of either the cruise ships or the buses related to the project. Analyses should include, but not be limited to, diesel combustion source testing, including a fuel analysis for metals and chloride, and stack tests for PAH and Formaldehyde.

The EIR should include the full cumulative impacts to air quality in the evaluation. These include, but are not limited to, emissions generated by traffic from nearby related projects (construction and operation), source emissions from nearby related projects (construction and operation), and emissions from congestion due to traffic impacts (2.9) from both surface streets and the Bay Bridge. Particular attention should be placed on the cumulative impacts to air

quality from traffic congestion due to events at Pacific Bell Park and the afternoon rush hour (see 2.10). In order to determine the full potential for impacts to air quality, a full dispersion analysis (including CO concentrations), incorporating effects of the proposed project and neighboring developments on localized wind patterns, including all cumulative emission sources should be included in the EIR.

### 2.3 Water

The EIR should include analyses to determine the potential impacts to the San Francisco Bay due to both the construction and operation of the proposed project. Analyses should include, but not be limited to, runoff, dredging, bilge dumping, and toxic contaminant impacts to the San Francisco Bay due to the proposed project. A discussion of potential impacts to water due to increased cruise ship operations induced by the proposed project should also be included in the EIR. In addition, the EIR should include discussion of potential cumulative impacts to water due to neighboring developments under construction or planned for the foreseeable future.

### 2.4 Biological Resources

The EIR should discuss any impact to endangered species, including the San Francisco garter snake, the California clapper rail, the California least tern, the San Joaquin kit fox, the salt marsh harvest mouse, and the ferry shrimp. Impacts to native species of San Francisco Bay, including invertebrate, fish, mammals, and birds due to cruise ship operations and associated bilge dumps should be discussed. These discussions should include potential impacts due to both introduction of non-native species by bilge water and contaminated bilge water to the Bay as well as quantify these impacts due to increased cruise ship operations induced by the proposed project. In addition, the EIR should include discussion of potential cumulative impacts to biological resources due to neighboring developments under construction or planned for the foreseeable future.

### 2.5 Noise

The EIR should include analyses to determine the potential noise impacts to the South Beach neighborhood due to both the construction and operation of the proposed project. Analyses should include, but not be limited to, ambient noise levels, single event noise levels due to the horns of the cruise ships themselves, and bus operation impacts to the neighborhood due to the proposed project both during the day and night. A discussion of potential impacts to noise due to increased cruise ship operations and traffic congestion induced by the proposed project should also be included in the EIR. In addition, the EIR should include discussion of potential cumulative impacts to noise due to the seismic retrofitting of the Bay Bridge, events at Pacific Bell Park, and neighboring developments under construction or planned for the foreseeable future.

### 2.6 Aesthetics/Light and Glare

Because the NOP did not graphically describe the proposed project in terms of massing and configuration, it is difficult to quantify the scope of analyses in terms of aesthetics/light and glare impacts of the proposed project. Nevertheless, in addition to scoping comments received during proposed public scoping meetings, the EIR should quantify aesthetics/light and glare impacts in relation to adjacent developments (including daily shadow impacts throughout the year), and public view corridors (specifically the Main Street View Corridor as described in 2.15). The EIR should discuss the neighborhood's potential "manhattanization" due to cumulative development generally disapproved of by the neighborhood residents. In addition, the EIR should discuss the historic and existing aesthetic character of the South Beach neighborhood, and quantify the impacts to aesthetics caused by the proposed project as well as cumulative projects under construction or planned for the foreseeable future.

The EIR should also quantify impacts to neighboring residences and commercial buildings in terms of light and glare due to the proposed project, both during its construction and operation. Included in this analysis should be the reflectivity of the cruise ship terminal's proposed roofline, the light emissions and glare of both the terminal and the cruise ships themselves, and the potential cumulative impact of neighboring development (day and night).

### 2.7 Land Use

The proposed project would incorporate 460,000 gross square feet of office space on the Public Trust land of Piers 30-32. Office space is a land use incompatible with the Public Trust. Additional incompatible land uses of the proposed project on Public Trust lands include entertainment (cinema) and specialty grocery. The EIR should discuss recognized compatible and incompatible land uses for Public Trust lands, and discuss the proposed project in terms of land use compatibility. Furthermore, the EIR should discuss the compatibility of residential land uses immediately adjacent to a major intermodal transportation hub (cruise terminal), and provide case studies of existing metropolitan areas where residential land uses are immediately adjacent to intermodal transportation land uses, outlining the positive and negative impacts associated with such adjacencies.

As presently proposed, the public Main Street View Corridor is terminated by one of the tower masses along the Embarcadero of the proposed project, as well as the 8-story "townhouse" element along Bryant Street. Such a massing configuration would restrict public vistas of San Francisco Bay, and eliminate a visual connection to the waterfront from the public. As a result, the current massing proposal for Seawall Lot 330 seems inconsistent with the following goal of the Special Area Waterfront Plan (www.sfport.com/goals.html):

> *"Urban Design Worthy of the Waterfront Setting. The design of new developments should be of exemplary quality and should highlight visual and physical access to and from the Bay, while respecting the waterfront's rich historic context and the character of neighboring development."*

The EIR should discuss the proposed project in terms of plan consistency specifically regarding the proposed massing eliminating a visual connection to the waterfront, and the relationship between the proposed project and the waterfront's rich historic context, including the character of neighboring development. In addition, the EIR should quantify these issues with all alternatives, and state the alternative most consistent with governing plans.

### 2.8 Natural Resources

The EIR should discuss impacts to natural resources due to the proposed project, including construction and operation. A discussion of the increased use of natural resources due to increased cruise ship operations induced by the proposed project should also be included in the EIR. In addition, the EIR should discuss the cumulative impacts to natural resources by neighboring developments under construction or planned for the foreseeable future.

### 2.9 Risk of Upset/Human Health

The EIR should discuss impacts to human health and quantify the risk of upset due to the proposed project, including construction and operation. A discussion of the increased risk of upset due to increased cruise ship operations induced by the proposed project should also be included in the EIR. In addition, the EIR should discuss the cumulative impacts to human health and quantify the cumulative risk of upset due to neighboring developments under construction or planned for the foreseeable future.

**2.10 Transportation/Circulation**

The EIR should include analyses to determine the potential transportation/circulation impacts to the South Beach neighborhood due to both the construction and operation of the proposed project. A discussion of potential impacts due to increased cruise ship operations and related traffic congestion induced by the proposed project should also be included in the EIR. In addition, the EIR should include discussion of potential cumulative transportation/circulation impacts due to neighboring developments under construction or planned for the foreseeable future.

Because the transportation and circulation systems in the South of Market area are under severe strain, and Bryant Street is a major approach to the Bay Bridge, the EIR should develop a cumulative activity schedule to represent the worse case scenario for traffic analysis. This worse case scenario should include the highest level of anticipated cruise operations that will occur in the afternoon, as well as games or events at Pacific Bell Park and afternoon rush hour congestion on surface streets and the Bay Bridge. To determine the afternoon peaking characteristics of surrounding surface streets and the approach to the Bay Bridge, the EIR should conduct a series of surveys to count vehicle throughput rate and volume over a 4-hour period in the afternoon. No matter how "rare" cruise ship operations or baseball games or events occur during this peak, the cumulative activity schedule should represent the worse possible scenario to quantify impacts. Furthermore, this cumulative activity schedule should be used to analyze related air quality impacts (including the dispersion analysis described in 2.2).

**2.11 Public Services**

San Francisco currently has a tight housing market with high occupancy rates, and any increase in the City's housing stock results in a general increase in City population. Due to an increase in population expected from the housing component of the proposed project, as well as the induced increase in itinerant population (cruise ship passengers), the EIR should discuss impacts to public services including, but not limited to, public schools, libraries, parks and open space, and police and fire protection services.

**2.12 Energy**

Due to the current energy crisis, attention should be given to all aspects of energy consumption due to the proposed project. The EIR should quantify peak and annual energy consumption of the proposed project and all alternatives, as well as describe the means to provide additional electricity if required. The EIR should also quantify energy impacts due to construction of the proposed project. In addition, the EIR should discuss the cumulative impacts to energy by neighboring developments under construction or planned for the foreseeable future.

**2.14 Utilities**

Due to an increase in the development of the neighborhood, the EIR should quantify both direct and indirect impacts to utilities due to the proposed project. In addition, the EIR should quantify cumulative impacts to utilities by neighboring developments under construction or planned for the foreseeable future, and discuss required changes to the utility infrastructure and any cumulative indirect impacts to the South Beach neighborhood and the City of San Francisco.

**2.15 Cultural Resources**

The South Beach neighborhood has undergone tremendous change in the last decade, and is in some danger of losing its historical identity through large development projects. The EIR should quantify the historical connection to the waterfront enjoyed by this neighborhood for over 150 years, including public visual connections to the San Francisco Bay that still exist (such as the Main Street View Corridor). The EIR should document changes to these public visual

connections throughout the years as well as changes resulting from the proposed project. The EIR should quantify all available cultural resources, including, but not limited to, yacht races, windsurfing, naval calls, and herring fishing operations, and any impacts due to the proposed project as well as cumulative impacts to cultural resources by neighboring developments under construction or planned for the foreseeable future.

## 3. Growth Inducing Impacts

According to the report titled "Alternative Sites for the James R. Herman Cruise Ship Terminal," dated September 2, 1998 by the Port of San Francisco, the existing cruise terminal is effectively limited to 600 passengers at once (Table 5.1), and in 1997 accommodated 77,463 passengers for a total number of 52 calls (Table 3.2). The report goes on to suggest that the existing cruise terminal cannot accommodate additional growth in cruise operations. However, a new cruise terminal could "accommodate 6,000 passengers per day, the highest number of daily passengers expected if the PSA is amended (p.19). This number is dependent on proposed changes to the Passenger Services Act (PSA) that would permit additional cruise operations to be viable for the San Francisco cruise market. If there were no changes to the PSA, a number less than 6,000 passengers per day, but significantly higher than 600 would be anticipated if the proposed project were constructed.

It is reasonable to assume then, that this additional growth could not occur without the proposed project, and as a result would be induced by the introduction of the proposed project. The EIR should analyze the net increase in passengers per day and per year, as well as the net increase in calls with and without the proposed project, and with and without changes to the PSA as a result of the proposed project. This assessment should be discussed and reported in tabular form, and net increases in cruise operations due to the project should be integral to appropriate environmental impact analyses including, but not limited to, Earth (2.1), Air Quality (2.2), Water (2.3), Biological Resources (2.4), Noise (2.5), Light and Glare (2.6), Natural Resources (2.8), Risk of Upset/Human Health (2.9), Transportation/Circulation (2.10), Public Services (2.11), and Energy (2.12).

## 4. Analysis of Alternatives

The EIR should incorporate analysis of the following alternatives with equal weight given to each (including the proposed project alternative):

### 4.1 No Action Alternative

The No Action Alternative would report environmental impacts if the proposed project or other "build" alternatives were not constructed. The number of cruise operations would be constrained to those capable of being accommodated by the existing cruise terminal (see 3).

### 4.2 Minimal Build or Lesser Alternative

The Minimal Build or Lesser Alternative would be similar in scope and scale to Boston's Black Falcon Terminal. Being of smaller scale, the development would not require the same level of subsidy as that of the proposed project. As a result, office space would not need to be located on Piers 30-32 (Public Trust lands), and the housing component would not need to be as massive or contain as many units as that of the proposed project.

### 4.3 Piers 30-32 and Seawall Lot 337 (or Similar) Alternative

The proposed project seeks to transfer Public Trust land, in the form of Seawall Lot 330, to the developer with the express intent to subsidize the construction of the cruise terminal with profits from the proposed condominium complex proposed for Seawall Lot 330. As estimated construction

costs have risen for the proposed cruise terminal, the density and massing of the proposed condominium complex have increased proportionately, resulting in a potential worsening of environmental impacts. This proposed scenario for "mixed use development" does not require immediate adjacency of the cruise terminal and the condominium complex for the implementation of a successful project.

As a result, the Piers 30-32 and Seawall Lot 337 (or Similar) Alternative would transfer Seawall Lot 337, or a similar Public Trust land to the developer to subsidize the cruise terminal instead of Seawall Lot 330. The intent of this alternative is to lessen the combined impacts of the cruise terminal and condominium complex on the South Beach neighborhood and immediate environs (as in the proposed project), and balance the total projects impacts across a larger geographic area, thereby lessening total impacts to any single area.

This alternative would accommodate the same level of cruise terminal operations as the proposed project. In addition, due to the larger development area of Seawall Lot 337 (or a similar location), this alternative would not require non-compatible land uses (such as office space) to occur on Piers 30-32, but incorporate such uses into the larger seawall lot.

For additional information regarding the Portside Neighborhood Committee's concerns, and discussions with the developer as well as elected and appointed officials regarding the proposed project, please refer to our website at www.portsideviews.org. Thank you again for the opportunity to provide scoping comments on this project, and we look forward to participating in public scoping meetings and any other public outreach efforts during the EIR process.

The Portside Neighborhood Committee

| | | |
|---|---|---|
| Cc: | Willie L. Brown, Jr. | Mayor of San Francisco |
| | Tom Ammiano, | President, San Francisco Board of Supervisors |
| | Chris Daly, | San Francisco Board of Supervisors – District 6, Vice-Chair, Housing, Transportation and Land Use Committee |
| | Jake McGoldrick, | San Francisco Board of Supervisors, Chairman of Housing, Transportation and Land Use Committee |
| | Aaron Peskin, | San Francisco Board of Supervisors, Housing, Transportation and Land Use Committee |
| | Kimberly Brandon, | President, San Francisco Port Commission |
| | Byron Rhett, | Director, Planning and Development, Port of San Francisco |
| | Anne Cook, | Port of San Francisco |
| | Alec Bash, | Port of San Francisco |

# *San Francisco Tomorrow*

41 Sutter Street, Suite 1579
San Francisco, CA 94104-4903


July 9, 2001

Rick Cooper
Office of Environmental Review
30 Van Ness
San Francisco, CA 94102

Project: 2000.1229E; San Francisco Cruise Terminal Mixed Use Project and Brannan Street Wharf Project

Dear Sir:

San Francisco Tomorrow has long been concerned about appropriate development on San Francisco's waterfront. We welcome the opportunity to participate in the scoping process for the Supplemental EIR on this project.

Alternatives to be Studied. The project as described contains many uses that are not considered appropriate under the Public Trust. The Waterfront Land Use Plan EIR considered the "No Project" alternative to be the required code-compliant alternative. We feel that that is not appropriate in this case, since the core of the project is an acceptable public trust use. We would ask that the code-compliant alternative also be a Trust-compliant alternative that looks at the cruise terminal development with appropriate incidental uses on Piers 30-32, and at a Public Trust Use rather than housing on Seawall Lot 330.

Land Use. Since the proposed use of housing on Seawall Lot 330 is not a Public Trust use, the Port will have to negotiate a land swap with the State Lands Commission, placing a property of equivalent value into the Public Trust. The property under consideration for that Land swap should be analyzed in this SEIR, since its current and future use and zoning may very well be changed by the transfer.

Plans and Policies. Besides the new BCDC Special Area Plan and the Port's Urban Design and Land Use Plan, the SEIR needs to reference San Francisco's Sustainability Plan.

Housing. The project description should make clear how many units (and what percentage of the total units) in this proposed residential development will be made available to those with very low, low and moderate incomes. This SEIR should

analyze how the development proposal addresses the City of San Francisco's housing needs as determined in the Association of Bay Area Governments' Regional Housing Needs Determination.

Jobs. The jobs expected to be produced by this project should be listed by type and by prevailing wage income level. The SEIR should identify the steps and programs, within the context of existing First Source policies, that the developer would use to help target both temporary construction and permanent jobs to San Francisco residents.

Transportation. My understanding is that one-to-one parking is not required for residences in the South Beach area under the current planning code. The parking component of this proposal should be the minimum required by the current planning code. Mitigation can be developed to reduce the need for parking. This could include marketing the parking spaces separately from the dwelling units, locating a car-sharing lot on site, and selling transit passes and maps on-site.

We have some concern that the 450 parking spaces proposed for Piers 30-32 will conflict with the growing popularity of Herb Caen Way as a pedestrian, skating, and skateboarding thoroughfare. We would like this parking analyzed in terms of the number of crossings of Herb Caen Way that would be generated during peak pedestrian usage. We would also like to know the water quality impact on stormwater runoff of this large amount of parking on the pier. Mitigation should include quantifiable steps to reduce the parking need for the project, including transit subsidies for on-site employees.

Air Quality. The specific air quality impacts on the area from the increased maritime traffic need to be analyzed independently of other pollution sources because they must be mitigated separately. While mitigation of these impacts might be difficult, it may be feasible to require mitigation (in the form of reduced emissions) from home-ported vessels, and from ferries and other vessels which may use the berths.

The additional truck and bus traffic at the project could also be expected to add to the particulate pollution. Mitigation could and should be developed to minimize this impact. The Port is working on a clean diesel program on the Southern Waterfront; a similar program should be considered here.

Hydrology and Water Quality. The SEIR should revisit the current setting of San Francisco's sewage and stormwater system. The RWQCB has advised the PUC that they are considering designation of Islais and Mission Creeks as Toxic Hot Spots, a designation that could result in the banning of wet weather sewage discharges at these sites. In addition, the South Beach neighborhood has suffered

numerous sewage backups in past years. This project, even if stormwater continues to be diverted from the central system, will increase the problems in the area.

At a minimum, the project should continue to divert stormwater on-site from the central sewage system, and use on-site stormwater treatment methods to avoid increasing wet-weather sewage overflows. Additionally, the cumulative impacts of this project on the existing sewage treatment system should be analyzed, and long term alternatives to accommodate those increases should be identified.

The SEIR should analyze alternatives for handling and treating bilgewater and other wastes from visiting cruise vessels.

On the Southern Waterfront, the Port has hired a consultant team to develop an advanced stormwater pollution prevention area for the area of Islais Creek. A similar analysis for this project area should be included in the EIR.

The development chosen differs from the RFP issued by the Port in that it calls for placing one of the cruise ship berths on the north side if Pier 30, rather than the south side of Pier 32. How much dredging will have to be done to maintain this berth, and how often will it need to be repeated? Where will the dredge spoils be dumped or reused? What will be the impact on those areas? What are the expected constituents of the dredge spoils. Will the necessity to dredge this berth frequently delay other Port projects? Perhaps an alternative for south side berthing should be analyzed to determine the comparative impacts on water quality and quantity of dredge spoils.

Hazardous Materials. We assume that additional testing of the soil and groundwater in SWL 330 will occur as part of this process, in order to determine whether any toxic hot spots exist that will require more cautious handling.

Thank you for requesting our input.

Sincerely,

Jane Morrison, President
(415) 564-1482

Jennifer Clary, Waterfront Chair
(415) 981-1405

RECEIVED
JUL 18 2001
PLANNING DEPT

City and County of San Francisco
Planning Department
1660 Mission Street
5th Floor
San Francisco, CA 94103

**Re:** Comments on Notice that a Supplemental EIR is Determined to be Required
**Project Title:** 2000.1229E: San Francisco Cruise Terminal Mixed Use Project and Brannan Street Wharf Project
**Date:** July 12, 2001

To Whom It May Concern:

Please accept the following comments to the above-cited NOP from Bluewater Network. Bluewater Network is a national environmental organization, based in San Francisco, working to combat climate change and fighting environmental damage from the shipping, oil, and motorized recreation industries.

**Water Quality**
There are likely to be significant impacts of the proposed project on water quality, both in the construction phase and when the cruise terminal is operational. During construction, significant dredging will have to be undertaken. We are very concerned about the impacts of dredging on water quality in this area.

During operation, there will be an elevated risk of pollution from cruise ship operations. Cruise ships generate enormous volumes of waste. A typical cruise ship on a one-week voyage generates more than 50 tons of garbage, several million gallons of wastewater (including blackwater and graywater), as well as significant amounts of hazardous waste.

Furthermore, the cruise industry has a history of polluting the seas. The US General Accounting Office recently reported that, from 1993 to 1998, cruise ships were responsible for 87 confirmed cases of illegal discharges of oil, garbage, and hazardous wastes into US waters. Twelve of these cases occurred in California.

The same cruise ships that come to San Francisco were monitored by the State of Alaska last summer, and treated sewage samples exceeded federal standards for fecal coliform in 75% of the samples, and exceeded standards for total suspended solids in 86% of the samples. No ship tested had been in full compliance with all standards. 75% of graywater samples also revealed levels of fecal coliform that were over five times the regulatory limit for treated sewage. Cruise ships can legally dump treated sewage and graywater anywhere, including San Francisco Bay.

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In addition, the State Lands Commission's records reveal a potential of more than 150 violations of California's Ballast Water Management statute. We are particularly concerned about this problem in regard to the project in question due to the problems with invasions of exotic species in San Francisco Bay.

**Air Quality**
There is likely to be a significant increase in air pollution with the increase in cruise ship traffic that is to be expected when the cruise terminal becomes operational.

Cruise ships generate air pollution by burning dirty fuels with relatively high sulfur content in diesel engines, and also by burning in shipboard incinerators the large volume of garbage they generate. Particulate matter, sulfur oxides, nitrogen oxides, carbon monoxide from diesel combustion, and dioxin, furans, and other toxics from incineration are all known to have significant impacts on the environment and human health. VOC vapors in vessel fuel tanks that are displaced during refueling are another source of harmful emissions from cruise ships.

Cruise ships were also monitored in Alaska last summer for opacity, and 34 violations of the opacity standard by cruise ships were found. So far this summer there have 22 complaints of excessive smoke from cruise ships in Alaska. We are concerned that there will be significant risks to air quality and human health from the increase in cruise ship traffic that will likely result from this project.

**Other concerns**
Finally, we are concerned about the project's commercial component. Commercial uses not related to water, such as are proposed in this project, are not typical nor appropriate uses of publicly owned tide lands.

I thank you for this opportunity to comment. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

Kira Schmidt
Campaign Director

MORRISON & FOERSTER LLP

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DENVER
PALO ALTO
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July 9, 2001

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*Via Facsimile(558-5991) and U.S. Mail*

Rick Cooper
Planning Department
30 Van Ness Avenue, 4th Floor
San Francisco, CA 94102

Re: 2000.1229E: San Francisco Cruise Terminal Mixed Use Project SEIR

Dear Rick:

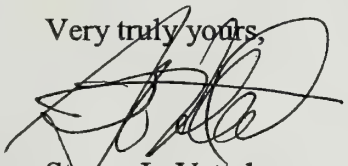
I am writing on behalf of Emerald Fund, Inc. to comment on the scope of the Supplemental EIR for the San Francisco Cruise Terminal Mixed Use Project. Emerald Fund is the developer of the 245-unit 400 Beale Street residential project approximately 1/2 block northwest of Seawall Lot 330 and previously developed the 220-unit Portside residential project directly across Bryant Street from Seawall Lot 330.

Emerald Fund has a grave concern, shared by several other property owners and tenants in the vicinity, about the current massing proposal for the 350-unit residential proposal for Seawall Lot 330. Its current monolithic profile and uninterrupted bulk would cause significant impacts on public and private views, light and air, and visual quality.

We would propose that the SEIR include an alternative for Seawall Lot 330 with a more refined and varied massing, while retaining the same number of dwelling units. This alternative would require the height limit to be increased to approximately 200 feet at the southwest corner of the site (at the corner of Beale and Bryant Streets), with lower building elements across the rest of the site. Enclosed is a possible massing scenario utilizing this concept. We believe such an alternative could significantly reduce visual and other impacts of the project and not cause any new significant impacts.

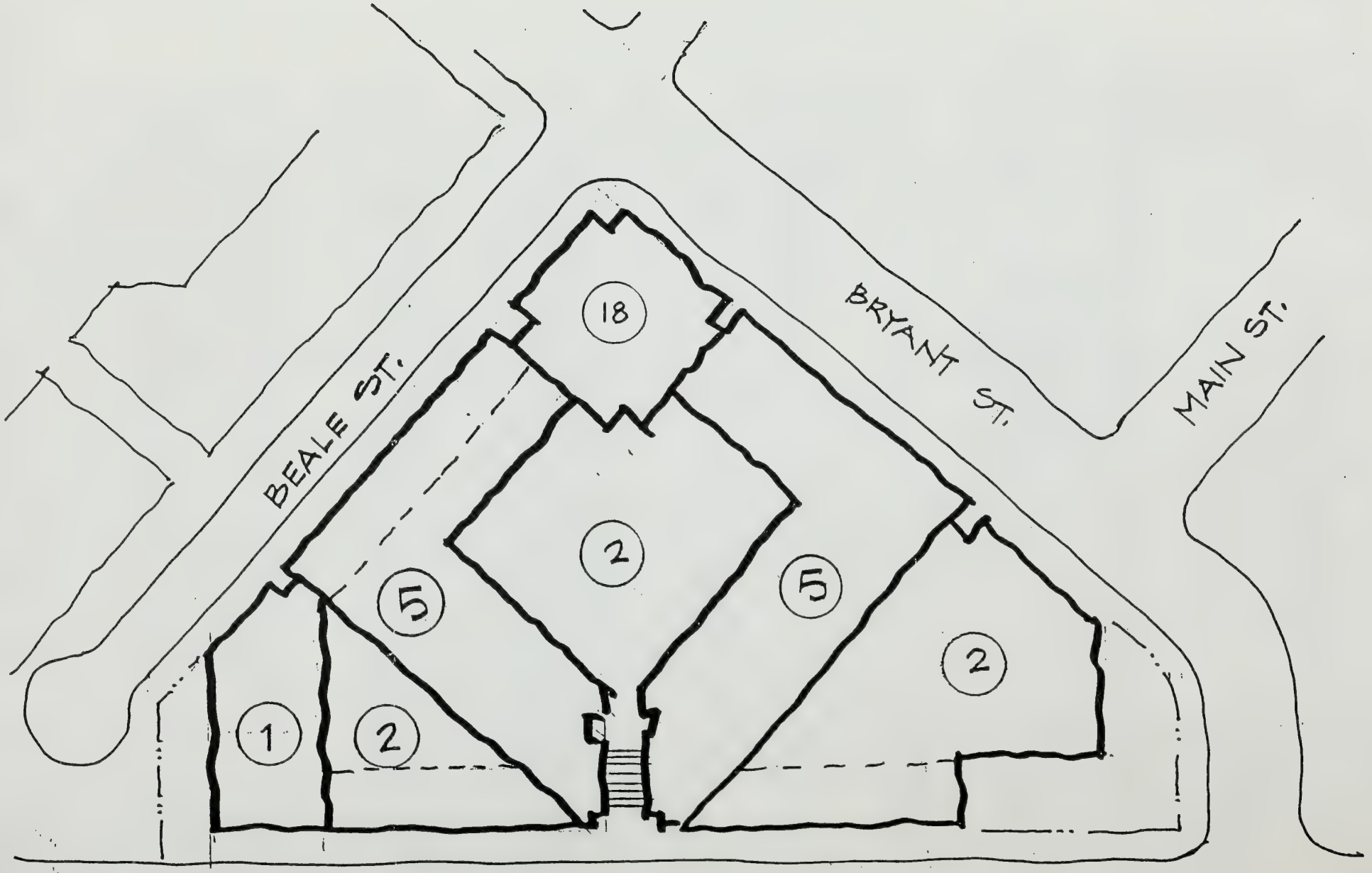
Thank you in advance for including such an alternative in the SEIR analysis.

Very truly yours,



Steven L. Vettel

cc: S. Osborn Erickson
David Johnson




665 THIRD STREET, SUITE 350
SAN FRANCISCO, CA 94107
CHRISTIANI
JOHNSON
ARCHITECTS

# EMBARCADERO
## Seawall Lot 330

HEIGHT IN STORIES

9 JULY 01

STATE OF CALIFORNIA
GRAY DAVIS, *Governor*

**SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION**
FIFTY CALIFORNIA STREET, SUITE 2600
SAN FRANCISCO, CALIFORNIA 94111
PHONE: (415) 352-3600
http://www.bcdc.ca.gov

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July 10, 2001

Rick Cooper
City and County of San Francisco
Planning Department
1660 Mission Street, Suite 500
San Francisco, California 94103-2414

**Subject:** Notice of Preparation Supplemental Environmental Impact Report for the San Francisco Cruise Terminal Mixed Use Project and Brannan Street Wharf Project (2000.1229E); BCDC Inquiry File No. SF.NW.6903.1

Dear Mr. Cooper:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) for a Draft Supplemental Environmental Impact Report (SEIR) for the San Francisco Cruise Terminal Mixed Use Project and Brannan Street Wharf Project. The NOP is dated June 9, 2001 and was received in our office on June 14, 2001. The Commission has not reviewed the NOP, so the following staff comments are based on the *San Francisco Waterfront Special Area Plan*, the *San Francisco Bay Plan*, the McAteer-Petris Act and staff review of the NOP.

**Jurisdiction.** The Commission has "Bay" jurisdiction over all areas of the Bay subject to tidal action which is defined by the shoreline that extends up to mean high tide, except in marsh areas, where the Commission's Bay jurisdiction extends to five feet above mean sea level. The Commission also has "shoreline band" jurisdiction over an area 100 feet wide inland and parallel to the shoreline. In the case of the piers on the San Francisco Waterfront, the Commission's jurisdiction is described in the *San Francisco Waterfront Special Area Plan* (Special Area Plan). The Special Area Plan describes the uses that can be permitted on the piers, and on new fill in the Bay and the nature of public access that should be provided with development on the piers, the shoreline and the Bay. It appears that the Commission has jurisdiction over the portion of the project in the bay, on the piers and on the shoreline on the Bay side of the Embarcadero roadway. The project elements on Seawall Lot 330 are not within the Commission's jurisdiction.

**McAteer-Petris Act.** Section 66605 of the McAteer-Petris Act states, in part, that "...further filling of San Francisco Bay... should be authorized only when public benefits from fill clearly exceed public detriment from the loss of the water areas and should be limited to water-oriented uses (such as ports, water-related industry, airports, bridges, wildlife refuges, water-oriented recreation and public assembly, ...)

or minor fill for improving shoreline appearance or public access to the Bay; ...that fill in the Bay... for any purpose should be authorized only when no alternative upland location is available for such purposes; ...that the water area authorized to be filled should be the minimum necessary to achieve the purpose of the fill; ...that the nature, location and extent of any fill should be such that it will minimize harmful effects to the Bay Area, such as, the reduction or impairment of the volume surface area or circulation of water, water quality, fertility of marshes or fish or wildlife resources, or other conditions impacting the environment, as defined in Section 21060.5 of the Public Resources Code. That fill should be authorized when the filling would, to the maximum extent feasible, establish a permanent shoreline."

This authority limits the uses for which the Commission can authorize Bay fill and requires that when fill is authorized, the amount is limited to minimum amount necessary. The SEIR should discuss any new Bay fill proposed, and whether the fill would be for a water-oriented use identified in the McAteer-Petris Act, and whether it would be the minimum necessary, would minimize harmful effects to the Bay and establish a permanent shoreline.

Section 66602 of the McAteer-Petris Act states, in part, that "...existing public access to the shoreline and waters of the San Francisco Bay is inadequate and that maximum feasible public access, consistent with a proposed project, should be provided." The SEIR should discuss whether the project would provide the maximum feasible public access consistent with the project. For a more detailed discussion of the Commission's public access policies, see the *San Francisco Bay Plan* and the *San Francisco Waterfront Special Area Plan.*

**San Francisco Bay Plan Policies Appearance Design and Scenic Views.** The Bay Plan Policies on Appearance Design and Scenic Views state, in part, that "...all bayfront development should be designed to enhance the pleasure of the user or viewer of the Bay. Maximum efforts should be made to provide, enhance or preserve views of the Bay and shoreline, especially from public areas... Shoreline developments should be built in clusters, leaving open area around them to permit more frequent views of the Bay... Views of the Bay from...roads should be maintained by appropriate arrangements and heights of all developments and landscaping between the view areas and the water." The Bay Plan Map No. 4 designates the Bay Bridge as a scenic roadway.

The draft SEIR should discuss the effect, if any, the project would have on public views of the Bay, particularly down street corridors. Also, the DEIR should discuss the effects, if any, on views of the Bay and the San Francisco Waterfront from the Bay Bridge, since the Bay Bridge is identified as a scenic roadway in the Bay Plan.

**Bay Plan Policies on Public Access.** The Commission can only approve a project within its jurisdiction if it provides maximum feasible public access, consistent with the project. The Bay Plan policies on public access state, in part, that:

> "...in addition to the public access to the Bay provided by waterfront parks, beaches, marinas, and fishing piers, maximum feasible access to and along the waterfront and on any permitted fills should be provided in, and through, every new development in the Bay or on the shoreline... Whenever public access to the Bay is provided as a condition of development, on fill or on the shoreline, the access should be permanently guaranteed... Public access improvements provided as a condition of any approval should be consistent with the project and the physical environment, including protection of natural resources, and provide for the public's safety and convenience. The improvements should be designed and built to encourage diverse Bay-related activities and movement to and along the shoreline, should permit barrier-free access for the physically handicapped to the maximum feasible extent, should include an ongoing maintenance program, and should be identified with appropriate signs... Access to the waterfront should be provided by walkways, trails, or other appropriate means and connect to the nearest public thoroughfare where convenient parking or public transportation may be available..."

The SEIR should discuss whether project would provide the maximum feasible public access consistent with the project, based on the public access policies in the San Francisco Bay Plan.

**San Francisco Bay Plan Dredging Policies**. The Bay Plan Dredging Policies state, in part, that "...[d]redging and dredged material disposal should be conducted in an environmentally and economically sound manner. Dredgers should reduce disposal in the Bay over time to achieve the LTMS goal of limiting in-Bay disposal volumes to a maximum of one million cubic yards per year... Dredging should be authorized when the Commission can find: (a) the applicant has demonstrated that the dredging is needed to serve a water-oriented use or other important public purpose; (b) the materials to be dredged meet the water quality requirements of the San Francisco Bay Regional Water Quality Control Board; (c) important fisheries and Bay natural resources would be protected...; (d) the siting and design of the project will result in the minimum dredging volume necessary for the project; and (e) the materials would be disposed of in accordance with Policy 3... Dredged materials should, if feasible, be reused or disposed outside the Commission's Bay and certain waterway jurisdictions. Except when reused in an approved fill project, dredged material should not be disposed in the Commission's Bay and certain waterway jurisdiction unless disposal outside these areas is infeasible..." The SEIR should describe the amount of new and maintenance dredging that the project will require and evaluate the proposed dredging using the Bay Plan dredging policies.

**San Francisco Bay Plan Safety of Fills Policies**. The Bay Plan policies regarding safety of fills state, in part, that, "...[e]ven if the Bay plan indicates that a fill may be permissible, no fill or building should be constructed if hazards cannot be overcome ade-

quately for the intended use in accordance with the criteria prescribed by the Engineering Criteria Review Board... The Commission has appointed the Engineering Criteria Review Board consisting of geologists, civil engineers specializing in geotechnical and coastal engineering, structural engineers, and architects competent to and adequately-empowered to (a) establish and revise safety criteria for Bay fills and structures thereon, (b) review all except minor projects for the adequacy of their specific safety provisions, and make recommendations concerning these provisions, (c) prescribe an inspection system to assure placement of fill according to approved designs..." The SEIR should discuss the safety measures that would be implemented to ensure that any proposed fill would be consistent with the Bay Plan policies regarding the safety of fills.

**San Francisco Bay Plan Water Quality Policies**. The Bay Plan Policies regarding water quality state, in part, that "...[w]ater quality in all parts of the Bay should be maintained at a level that will support and promote the beneficial uses of the Bay as identified in the Regional Water Quality Control Board's Basin Plan. The policies, recommendations, decisions, advice and authority of the State Water Resources Control Board and the Regional Water Quality Control Board, should be the basis for carrying out the Commission's water quality responsibilities... Shoreline projects should be designed and constructed in a manner that reduces soil erosion and protects the Bay from increased sedimentation through the use of appropriate erosion control practices... Polluted runoff from projects should be controlled by the use of best management practices in order to protect the water quality and beneficial uses of the Bay, especially where water dispersion is poor and near shellfish beds and other significant biotic resources. Whenever possible, runoff discharge points should be located where the discharge will have the least impact. Approval of projects involving shoreline areas polluted with hazardous substances should be conditioned so that they will not cause harm to the public or the beneficial uses of the Bay." The SEIR should discuss any potential water quality impacts from the project that may affect the Bay waters, and the discussion should address the relevant Bay Plan water quality policies .

**San Francisco Waterfront Special Area Plan.** The SEIR should evaluate the proposed project using general policy numbers 6, "Required Public Access", and 7, "View Corridors," in the Special Area Plan. The majority of the policies in the Northeastern Waterfront section of the *San Francisco Waterfront Special Area Plan* are relevant for the proposed projects. The SEIR should discuss whether the proposed uses would be consistent with the Public Trust Doctrine and the Port's legislative trust grant. The open water basin policies should be used to evaluate the project, particularly the policies specific to the South Beach Open Water Basin. The project is also adjacent to the open water area north of Pier 30 and the SEIR should evaluate the project relative to the Open Water Area policies in the Special Area Plan. The policies on

public plazas, specifically the policies that address the Brannan Street Wharf should be discussed in the SEIR. In addition the policies on Public Access, Bay Views, Waterfront Design and Transportation and Parking are relevant to this project and should be discussed in the SEIR.

**Existing BCDC Permits.** The SEIR should discuss the effects the project would have on existing public access required by the Commission in this area. The Commission issued Permit No. 8-90, as amended, to the City and County of San Francisco and the San Francisco Port Commission that requires shoreline public access in the project area. The Commission also issued Permit No. 5-96 for a marina at Pier 38 adjacent to the project site. The draft EIR should evaluate whether the project would affect public views or solar access to these required public access areas.

Thank you for the opportunity to comment on the NOP for the Preparation Supplemental Environmental Impact Report for the San Francisco Cruise Terminal Mixed Use Project and Brannan Street Wharf Project. If you have any questions regarding this letter, or any other matter, please do not hesitate to contact me by phone at (415) 352-3656 or by e-mail at joel@bcdc.ca.gov.

Sincerely,

JOSEPH LaCLAIR
Senior Planner

JL/aa

cc: Katie Shulte Joung, State Clearinghouse

CALIFORNIA HISTORICAL RESOURCES INFORMATION SYSTEM

ALAMEDA
COLUSA
CONTRA COSTA
LAKE
MARIN
MENDOCINO
MONTEREY
NAPA
SAN BENITO
SAN FRANCISCO
SAN MATEO
SANTA CLARA
SANTA CRUZ
SOLANO
SONOMA
YOLO

**Northwest Information Center**
Sonoma State University
1801 East Cotati Avenue
Rohnert Park, California 94928-3609
Tel: 707.664.2494 • Fax: 707.664.3947
E-mail: nwic@sonoma.edu

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21 June 2001

File # 01-SF-57E

Mr. Rick Cooper
City and County of San Francisco
Planning Department
1660 Mission Street, 5th Floor
San Francisco, CA. 94103

re: 2000.1229E: San Francisco Cruise Terminal Mixed Use Project and Brannan Street Wharf Project

Dear Mr. Cooper;

Records at this office were reviewed to determine if this project could adversely affect historical resources. The review for possible historic buildings, however, was limited to references currently in our office. The Office of Historic Preservation has determined that any building or structure 45 years or older may be of historic value. Therefore, if the project area contains such properties they should be evaluated by an architectural historian prior to commencement of project activities. **Please note that use of the term historical resources includes both archaeological sites and historic buildings.**

___ The proposed project area contains or is adjacent to the archaeological site(s) (  ). A study is recommended prior to commencement of project activities.

XX The proposed project area has the possibility of containing unrecorded archaeological site(s). A study is recommended prior to commencement of project activities.

____Study # identified one or more historical resources. It is recommended that a qualified archaeologist assess the status of the site and provide project specific recommendations.

____ Study # identified no historical resources. Further study for historical resources is not recommended.

___ There is a low possibility of historical resources. Further study for historical resources is not recommended at this time.

XX The guidelines for implementation of the California Register of Historical Resources (Cal Register) criteria for evaluation of historical properties has been developed by the State Office of Historical Preservation. For the purposes of CEQA, all identified archaeological sites should be evaluated using the Cal Register criteria.

XX Our review is based on scientific information. In addition, we recommend you contact the local tribe(s) regarding traditional, cultural, and religious values.

____Comments:

If archaeological resources are encountered during the project, work in the immediate vicinity of the finds should be halted until a qualified archaeologist has evaluated the situation. If you have any questions please give us a call (707) 664-2494.

Sincerely,

K. Thorne, for
Leigh Jordan
Coordinator

# APPENDIX B

## BCDC SPECIAL AREA PLAN EXCERPTS REGARDING THE PROPOSED PROJECTS

e. The proposed project would not conflict with the adopted plans of any agency of local, regional, state or federal government having jurisdiction over the area proposed for the fill; or be in an area where government agencies have not planned or budgeted for projects that would provide adequate access to the Bay.

f. The proposed project would establish a permanent shoreline through dedication of lands and other permanent restrictions on all publicly-owned property bayward of the piers.

g. The proposed project would provide, to the maximum extent feasible, for enhancement of fish and wildlife and other natural resources in the area, and in no event would result in net adverse impact to these values.

Open Water Basins (see Figure 1)

Permitted Uses:

WATER-RELATED RECREATION
WATER TRANSPORTATION (E.G., FERRIES, WATER TAXIS, AND EXCURSION BOATS)
LIMITED PUBLIC ACCESS
AT PIER 32 ONLY: LIMITED BAY-ORIENTED COMMERCIAL RECREATION AND BAY-ORIENTED PUBLIC ASSEMBLY

Policies:

1. Open Water Basins should be focal points of public use and enjoyment of the Northeastern Waterfront. Open Water Basins should provide opportunities for physical access between the Bay and piers and should provide new and substantial Bay views from the boundary piers framing the Open Water Basins.

2. Preserve or create four Open Water Basins, including the removal of certain piers, to enable permanent enjoyment of the Bay at the following locations:

   a. The "Northeast Wharf Open Water Basin" between Piers 19 and 27, including removal of a portion of the Pier 23 shed to improve Bay views. The removal of the Pier 23 shed should include at least 315 feet of the easternmost portion of the shed. Any additional removal should reflect the historic preservation goals of this plan, and the Port's and City's plan policies. The Pier 23 deck supporting that part of the Pier 23 shed that would be removed, may be removed or may be retained and used for public access purposes, including access to transient and temporary non-commercial recreational boat berthing;

   b. The "Broadway Open Water Basin" between Piers 3 and 9;

   c. The "Rincon Point Open Water Basin" from the southern end of the Agriculture Building and Downtown Ferry Terminal breakwater to Pier 22-1/2; and

   d. The "Brannan Street Wharf Open Water Basin" between Piers 32 and 38, including the removal of Piers 34 and 36.

3. Within Open Water Basins, limit new fill to:

   a. Mooring buoys and pile-supported or floating platforms for non-commercial, transient boats to provide shoreline access.

   b. Berthing facilities, such as mooring dolphins and buoys, pile-supported or floating platforms, etc., for berthing of commercial vessels (vessels up to approximately 300 feet in length) and temporary ceremonial and visiting ships at the boundary of the Open Water Basins, as provided below.

      i) In the Northeast Wharf Open Water Basin, at Pier 27, facilities may be permitted for temporary berthing of ceremonial and visiting ships that do not extend landward of the Pier 27 shed (as partially removed to create the Northeast Wharf Plaza). At Pier 23, facilities may be permitted for lay berthing of boats on the south apron, provided berthing does not extend Bayward of the Pier 23 shed (as partially removed, see Open Water Basin policy 2 above);

      ii) In the Broadway Open Water Basin, existing berthing facilities for the historic Ferry Boat Santa Rosa and Bar Pilots should continue to be allowed. Limited lay berthing of public transportation and excursion vessels, up to about 300 feet in length, and temporary berthing of ceremonial and visiting ships should be allowed as long as the berthing of moored vessels is balanced with the preservation of views and the need to provide pier frontage for transient berthing;

      iii) In the Rincon Point Open Water Basin, lay berthing is only permitted for fireboats at Pier 22-1/2. There should be no new berthing facilities except for limited numbers of mooring dolphins or buoys for non-commercial, transient boating, which may be permitted if it is determined that they would add interest to and improve Bay views in this Basin; and

      iv) At Pier 32, berthing facilities may also be permitted for cruise ships.

   c. At Pier 32, new pile-supported fill for public access, limited Bay-oriented commercial recreation and Bay-oriented public assembly, provided that the new pile-supported fill is offset by removal of an equivalent amount of pile-supported fill elsewhere on Pier 32, and the new pile-supported fill will not adversely affect the public qualities of the Open Water Basin.

   d. At Pier 32, limited new pile-supported fill for public access, if public access on the existing pier and as provided under policy 3-c above is in excess of 35 percent of the existing pier area, provided that the new fill:

      i) is devoted solely to public access;

      ii) improves the public qualities of the Open Water Basin by providing more and better views of the Bay and provides extraordinary public access benefits, all of which could not otherwise be achieved without the additional pile-supported fill; and

      iii) is the minimum necessary to achieve the criteria established in 3-d-ii above.

e. Minor fill for improving shoreline appearance or public access to the Bay, consistent with the Commission's regulations.

f. Seismic and safety repairs to an existing pier that is not being wholly reconstructed.

Public Plazas

Permitted Uses (within plazas):

WATER-RELATED RECREATION
PASSIVE RECREATION
PUBLIC EVENTS
TEMPORARY, BAY-ORIENTED COMMERCIAL RECREATION AND BAY ORIENTED PUBLIC ASSEMBLY

Policies:

Brannan Street Wharf

1. Create "Brannan Street Wharf," a major waterfront park in the area of Piers 34 and 36, to serve the South Beach neighborhood, San Francisco and the region. The park should be a minimum of 57,000 square feet in size extending at least 600 feet along The Embarcadero, Bayward of and not including Herb Caen Way. Brannan Street Park should reflect the character and needs of the South Beach neighborhood and visitors to the area, should establish a unique activity center, should provide a respite between the adjacent, more intensively developed areas, and should accommodate a variety of passive recreational activities and serve as both a local and regional destination.
2. Piers 34 and 36 should be removed to create new permanent open water beyond the Brannan Street Wharf. Portions of these piers can remain and be incorporated into the Brannan Street Wharf, provided that these remnants are structurally sound. Otherwise, the entirety of these piers and marginal wharf areas between them should be removed and partially replaced. Pier removal and park construction should result in a net fill reduction of approximately 140,000 square feet. The Park may be expanded up to 1,000 feet in length to include one or both of the marginal wharves to the north and south, one between Piers 34 and 32, and one between Piers 36 and 38. If the Park is not to be expanded to include either or both of the two marginal wharves, they should be removed to create open water.
3. Uses that should be considered in the program for the Park include informal small play fields (e.g., volleyball), tot lots or other facilities for children, viewing areas, picnic areas, and other uses consistent with a recreational park theme. On the water side, uses to be considered include transient boat tie-ups, kayak and other hand-held craft launch and landing areas and related, water-oriented recreation facilities in order to enliven the adjacent new Park.
4. The design of the Park should integrate well with Herb Caen Way.
5. A cohesive design treatment should be applied to the entire Open Water Basin edge, including the south apron of Pier 32, the park and the north apron of Pier 38.

6. Detailed Park design should be developed through a community planning process, including the South Beach community, citywide and regional representatives, and should successfully address the following:

   a. Reflect the Park's location over the Bay.

   b. Provide viewing areas, seating and picnic areas.

   c. Provide for other uses consistent with a recreational park, such as fountains, interpretive signs, a small amphitheater, sheltered areas for activities such as chess and checkers, fish cleaning facilities, public art, water stairs (designed to limit algae growth) and other appropriate site furnishings.

7. The park users should be served primarily by new commercial uses at Pier 30-32 and Pier 38 with accessory commercial uses in the Park limited, clearly incidental to and supportive of the park uses, such as food carts and small kiosks. These should be concentrated within the existing marginal wharf areas to either side of the new Park or located so that they do not interfere with the recreational use of the Park.

8. Permit only maintenance and emergency vehicle access within the Park.

Northeast Wharf Plaza

1. Create a "Northeast Wharf Plaza," as a new, major, destination plaza between Piers 23 and 29 along The Embarcadero, opening up views from Lombard Street and The Embarcadero to the Bay, Yerba Buena and Treasure Islands, and the Bay Bridge. The approximately 2-acre plaza should be designed to function as a major attraction for visitors and residents. In addition, provide open space around the Beltline Railroad Office Annex building if it remains in its present location, and maintain unobstructed views from the Annex across the plaza to the Bay. The Plaza should be oriented to the Open Water Basin between Piers 27 and 19.

2. To create this plaza, remove approximately 56,000 square feet of the Pier 27 shed (384 feet in length as measured from its southwest corner near Pier 23 and 224 feet in length as measured from the northwest corner near Lombard Street), and remove the Pier 27 Annex Building (the two-story, modern office building). See Figure 2 illustrating the plaza boundaries and footprint.

3. Commercial Active Recreation Use of Northeast Wharf Plaza: In the event that the Pier 27/29 complex is developed as a private commercial facility for active recreation, (e.g., gymnastics, swimming, racquetball, etc.), and only in that event, an approximately 15,000 square foot portion of the Northeast Wharf Plaza may be used by the developer for commercial, outdoor recreation activities, provided that the following conditions are met:

   a. The 15,000-square-foot area is confined to the area located and illustrated on SAP Figure 2.

   b. The commercial use serves an important active recreation need of the residents of the City and of the Bay region.

a. In conjunction with the State Lands Commission, review and advise the Port on development and design objectives in Requests for Proposals that it proposes to issue for waterfront projects.

b. In conjunction with the State Lands Commission, at the pre-application stage, review proposed waterfront projects and advise prospective developers concerning the consistency of the project with the Special Area Plan and the provisions of the agencies' laws and policies.

c. Coordinate and review staff reports for the joint design review process.

d. Coordinate project environmental document preparation for the Port Commission and BCDC hearings on proposed projects.

e. attend the hearings of the Port Commission and BCDC when waterfront projects are considered by the respective commissions;

f. attend the joint meetings of the City and BCDC's design review boards;

g. conduct workshops with community groups on waterfront planning and related matters;

h. conduct additional waterfront planning when the project is part of each agency's work program; and

i. regularly inform and coordinate on planning and project matters within the area of the Special Area Plan.

3. *Joint Design Review Process.* To achieve a high level of design quality in waterfront development, ensure consistency in agency comments and requirements for the design of proposed waterfront projects, and to simplify and streamline the project review process, the Port and BCDC will establish a joint design review process for projects proposed within the area of the Special Area Plan. This joint design review process will entail joint meetings of BCDC's Design Review Board and the Port and City's Waterfront Design Advisory Committee. These two design groups will consider the design issues that are pertinent to the authority of each of the agencies, and advise BCDC, the Port and the City on design matters pertinent to each of the agencies' authority.

4. The Port will:

   a. Amend the Waterfront Land Use Plan consistent with this SAP.

   b. Finance and/or obtain funding from other sources to fund pier removal and development of the parks and plazas identified in these Implementation Requirements through a dedicated fund. The Port will contribute to the fund a total of up to $30 million over a 20-year period The Port will proceed to remove piers and develop the plazas, as identified in this SAP, through an aggressive financing and development strategy, including:

      i) pursuit of all available grants; and

      ii) use of developer fees or contributions where consistent with project financing and feasibility.

c. Remove Pier 34 within one year of BCDC's adoption of amendments to the SAP.

d. Remove Pier 24 within three years of BCDC's adoption of amendments to the SAP.

e. Upon Port issuance of a certificate of occupancy for the major reuse of Piers 30-32, or a comparable major development, in addition to that provided for in Implementation Requirement 4-f below, carry out the public benefits projects below:

   i) Construct Phase 1, the northern portion of the Brannan Street Wharf (in the area of Pier 34 and north) within 5 years;

   ii) Remove Pier 36 within 15 years; and

   iii) Complete the Brannan Street Wharf within 15 years if necessary grants or other funding are available, or within 20 years if necessary grants or other funding are not available.

f. Upon Port issuance of a certificate of occupancy for the major reuse of Piers 27-31, or a comparable major development, in addition to that provided for in Implementation Requirement 4-e above, carry out the following public benefits:

   i) Complete Phase 1 of the Northeast Wharf Plaza by removing that portion of the Pier 27 shed required to create the Plaza and make it, the pier perimeter area, and the area adjacent to The Embarcadero, as shown in Figure 2 "Northeast Wharf Plaza," accessible and useable by the public prior to the Port issuing a certificate of occupancy for the Pier 27-31 development.

   ii) Complete the Northeast Waterfront Plaza within 15 years if necessary grants or other funding are available, or within 20 years if necessary grants or other funding are not available.

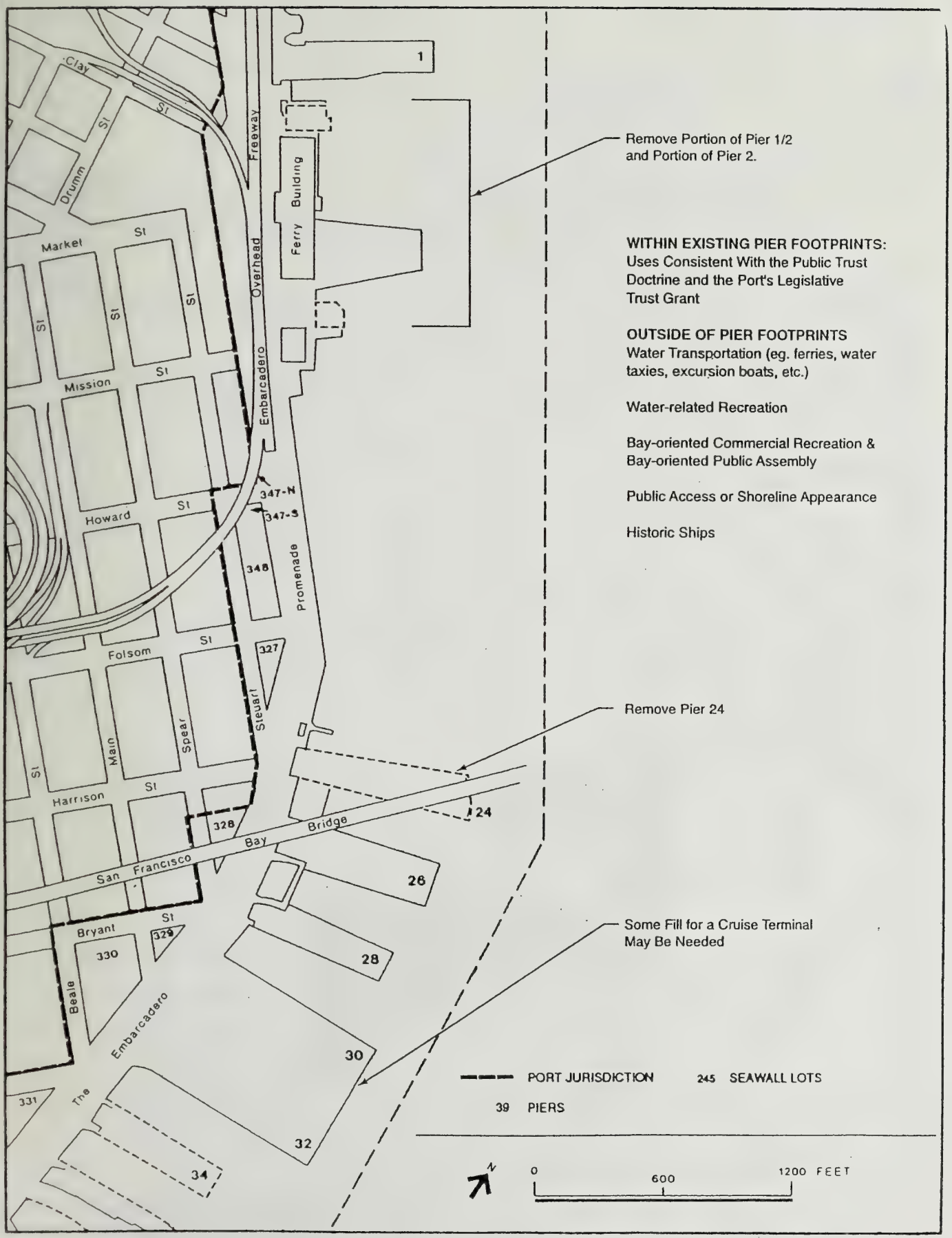
   iii) Remove the portion of the Pier 23 shed consistent with the Open Water Basin policies of this SAP within 15 years.

   iv) Remove the deck and pilings that form the "valley" between Pier 17 and Pier 15 and the non-historic shed additions within 20 years.

   Any BCDC permit issued for major reuse of Piers 27-31 should include reasonable provision for vehicle access to the project site.

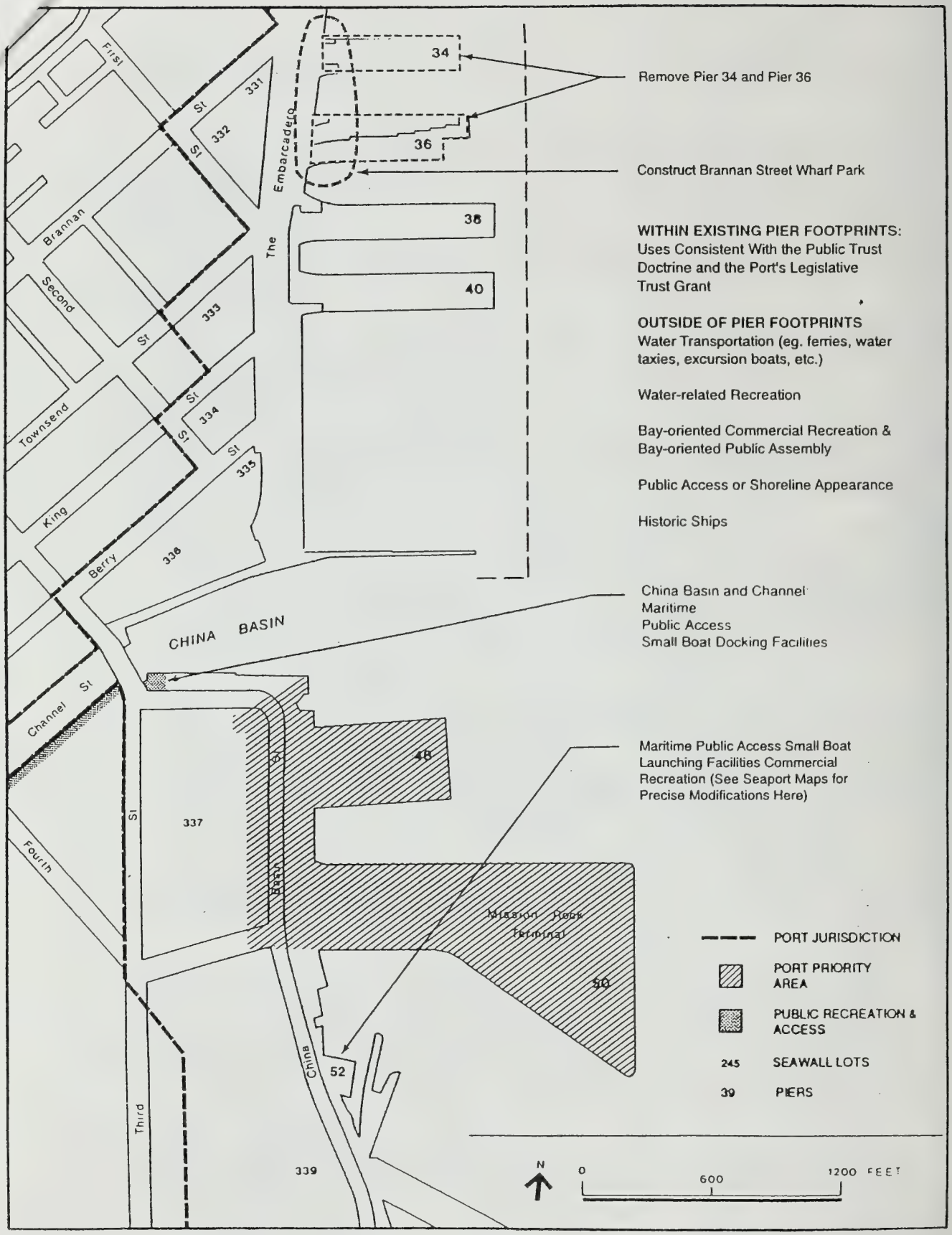
g. Take into account unforeseen circumstances and with the mutual consent of BCDC, the Port may modify the time performance obligations in these Plan Implementation Requirements. Further, if no major projects occur, but the Port obtains substantial benefits under the provisions of this SAP, then the Port and BCDC will revise the Implementation Requirements so that the plazas and pier removals will proceed at a pace consistent with such benefits.

h. Prepare, in consultation with BCDC and Save the Bay, milestones and associated target completion dates for the funding and removal of the piers




Note: Map for reference only See relevant policies and recommendations
Base map has been updated to reflect current conditions.

## SPECIAL AREA PLAN MAP 3
*(Proposed Amended Plan Map)*




Note Map for reference only. See relevant policies and recommendations Base map has been updated to reflect current conditions.

## SPECIAL AREA PLAN MAP 4
*(Proposed Amended Plan Map)*

# APPENDIX C
## SHIP EMISSIONS CALCULATIONS

| Ship Size | Gross Tonnage | Increase in # of calls/year over existing | | Mode | Time in Mode/call | Load factor | Engine bHp | hp in mode | kW in mode | kWh in mode | Emission Factors (g/kWh) | | | | Emissions (lbs/mode) | | | | Year 2001 Emissions (lbs/day) | | | | | Year 2004/2020 Emissions (lbs/day) | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 2004 | 2020 | | hrs | in Mode | | | | | CO | HC | NOx | PM | CO | HC | NOx | PM | # ships/day | CO | HC | NOx | PM | # ships/day | CO | HC | NOx | PM |
| Small | < 45,000 | 3 | 11 | Cruising | 2.00 | 30 | 28955 | 8686.5 | 11648.79 | 23297.57521 | 1.60 | 0.50 | 16.17 | 1.37 | 82.01 | 25.63 | 828.79 | 70.22 | 0 | 0.00 | 0.00 | 0.00 | 0.00 | 1 | 82.01 | 25.63 | 828.79 | 70.22 |
| E.g., Norwegian Crown | | | | Maneuvering | 0.50 | 15 | 28955 | 4343.25 | 5824.39 | 2912.196901 | 2.43 | 0.76 | 23.96 | 1.37 | 15.58 | 4.87 | 153.51 | 8.78 | 0 | 0.00 | 0.00 | 0.00 | 0.00 | 1 | 15.58 | 4.87 | 153.51 | 8.78 |
| | | | | Hotelling | 9.00 | --- | --- | --- | --- | --- | 704.55 | 1263.64 | 6686.36 | 263.64 | 13.95 | 25.02 | 132.39 | 5.22 | 0 | 0.00 | 0.00 | 0.00 | 0.00 | 1 | 13.95 | 25.02 | 132.39 | 5.22 |
| Medium | 45,000 - 70,000 | 11 | 26 | Cruising | 2.00 | 30 | 46985 | 14095.5 | 18902.38 | 37804.7512 | 1.60 | 0.50 | 16.17 | 1.37 | 133.07 | 41.59 | 1344.87 | 113.94 | 0 | 0.00 | 0.00 | 0.00 | 0.00 | 0 | 0.00 | 0.00 | 0.00 | 0.00 |
| E.g., Crystal Harmony | | | | Maneuvering | 0.50 | 15 | 46985 | 7047.75 | 9451.19 | 4725.5939 | 2.43 | 0.76 | 23.96 | 1.37 | 25.28 | 7.90 | 249.10 | 14.24 | 0 | 0.00 | 0.00 | 0.00 | 0.00 | 0 | 0.00 | 0.00 | 0.00 | 0.00 |
| | | | | Hotelling | 9.00 | --- | --- | --- | --- | --- | 704.55 | 1263.64 | 6686.36 | 263.64 | 13.95 | 25.02 | 132.39 | 5.22 | 0 | 0.00 | 0.00 | 0.00 | 0.00 | 0 | 0.00 | 0.00 | 0.00 | 0.00 |
| Large | > 70,000 | 15 | 30 | Cruising | 2.00 | 30 | 62646 | 18793.8 | 25202.90 | 50405.79853 | 1.60 | 0.50 | 16.17 | 1.37 | 177.43 | 55.45 | 1793.14 | 151.92 | 1 | 177.43 | 55.45 | 1793.14 | 151.92 | 1 | 177.43 | 55.45 | 1793.14 | 151.92 |
| E.g., Sun Princess | | | | Maneuvering | 0.50 | 15 | 62646 | 9396.9 | 12601.45 | 6300.724816 | 2.43 | 0.76 | 23.96 | 1.37 | 33.71 | 10.53 | 332.12 | 18.99 | 1 | 33.71 | 10.53 | 332.12 | 18.99 | 1 | 33.71 | 10.53 | 332.12 | 18.99 |
| | | | | Hotelling | 9.00 | --- | --- | --- | --- | --- | 704.55 | 1263.64 | 6686.36 | 263.64 | 13.95 | 25.02 | 132.39 | 5.22 | 1 | 13.95 | 25.02 | 132.39 | 5.22 | 1 | 13.95 | 25.02 | 132.39 | 5.22 |
| TOTAL | | | | | | | | | | | | | | | | | | | 1 | 225.1 | 91.0 | 2257.6 | 176.1 | 2 | 336.6 | 146.5 | 3372.3 | 260.3 |
| Boilers | | | | | | | | | | | Emission Factors (g/hr) | | | | Emissions (lbs/mode) | | | | | | | | | | | | | |
| Small | < 45,000 | 3 | 11 | Hotelling | 9 | --- | --- | --- | --- | --- | 509.09 | 36.36 | 1213.64 | 127.27 | 10.08 | 0.72 | 24.03 | 2.52 | 0 | 0.00 | 0.00 | 0.00 | 0.00 | 1 | 10.08 | 0.72 | 24.03 | 2.52 |
| Medium | 45,000 - 70,000 | 11 | 26 | Hotelling | 9 | --- | --- | --- | --- | --- | 509.09 | 36.36 | 1213.64 | 127.27 | 10.08 | 0.72 | 24.03 | 2.52 | 0 | 0.00 | 0.00 | 0.00 | 0.00 | 0 | 0.00 | 0.00 | 0.00 | 0.00 |
| Large | > 70,000 | 15 | 30 | Hotelling | 9 | --- | --- | --- | --- | --- | 509.09 | 36.36 | 1213.64 | 127.27 | 10.08 | 0.72 | 24.03 | 2.52 | 1 | 10.08 | 0.72 | 24.03 | 2.52 | 1 | 10.08 | 0.72 | 24.03 | 2.52 |
| | | | | | | | | | | | | | | | | | | | 1 | 10.08 | 0.72 | 24.03 | 2.52 | 2 | 20.16 | 1.44 | 48.06 | 5.04 |
| Tugs | # of tugs/day | | | | | | | | | | Emission Factors (lbs/1-way trip) | | | | | | | | | | | | | | | | | |
| All | 1 | | | | | | | | | | 2.09 | 0.00 | 13.78 | 0.58 | | | | | 0 | 0.00 | 0.00 | 0.00 | 0.00 | 1 | 2.09 | 0.00 | 13.78 | 0.58 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| TOTAL | | | | | | | | | | | | | | | | | | | | 235.2 | 91.7 | 2281.7 | 178.7 | | 358.9 | 148.0 | 3434.2 | 266.0 |

**Notes:**
Emission factors for main engine hotelling emissions are in g/hr.

| Summary of Increase in Emissions over 2001 (lbs/day) | | | | | |
|---|---|---|---|---|---|
| | Increase in # of ships/day | CO | ROG/HC | NOx | PM |
| 2004 & 2020 | 1 | 123.71 | 56.24 | 1152.50 | 87.32 |

| Ship Size | Mode | Time in Mode per call hrs | Load factor during Mode | Engine bHp | hp in mode | kW in mode | kWh in mode | Emission Factors (g/kWh) | | | | Emissions (tons/mode) | | | | Year 2001 Emissions (tons/year) | | | | | Year 2004 Emissions (tons/year) | | | | | Year 2020 Emissions (tons/year) | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | CO | HC | NOx | PM | CO | HC | NOx | PM | # of ships | CO | HC | NOx | PM | # of ships | CO | HC | NOx | PM | # of ships | CO | HC | NOx | PM |
| Main Engine Emisions | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Small | Cruising | 2.00 | 30 | 28955 | 8686.5 | 11648.8 | 23297.6 | 1.60 | 0.50 | 16.17 | 1.37 | 0.04 | 0.01 | 0.38 | 0.03 | 10 | 0.37 | 0.12 | 3.77 | 0.32 | 13 | 0.48 | 0.15 | 4.90 | 0.41 | 21 | 0.78 | 0.24 | 7.91 | 0.67 |
| | Maneuvering | 0.50 | 15 | 28955 | 4343.3 | 5824.4 | 2912.2 | 2.43 | 0.76 | 23.96 | 1.37 | 0.01 | 0.00 | 0.07 | 0.00 | 10 | 0.07 | 0.02 | 0.70 | 0.04 | 13 | 0.09 | 0.03 | 0.91 | 0.05 | 21 | 0.15 | 0.05 | 1.47 | 0.08 |
| | Hotelling | 9.00 | --- | --- | --- | --- | --- | 704.55 | 1263.64 | 6686.36 | 263.64 | 0.01 | 0.01 | 0.06 | 0.00 | 10 | 0.06 | 0.11 | 0.60 | 0.02 | 13 | 0.08 | 0.15 | 0.78 | 0.03 | 21 | 0.13 | 0.24 | 1.26 | 0.05 |
| Medium | Cruising | 2.00 | 30 | 46985 | 14095.5 | 18902.4 | 37804.8 | 1.60 | 0.50 | 16.17 | 1.37 | 0.06 | 0.02 | 0.61 | 0.05 | 17 | 1.03 | 0.32 | 10.39 | 0.88 | 28 | 1.69 | 0.53 | 17.12 | 1.45 | 43 | 2.60 | 0.81 | 26.29 | 2.23 |
| | Maneuvering | 0.50 | 15 | 46985 | 7047.8 | 9451.2 | 4725.6 | 2.43 | 0.76 | 23.96 | 1.37 | 0.01 | 0.00 | 0.11 | 0.01 | 17 | 0.20 | 0.06 | 1.92 | 0.11 | 28 | 0.32 | 0.10 | 3.17 | 0.18 | 43 | 0.49 | 0.15 | 4.87 | 0.28 |
| | Hotelling | 9.00 | --- | --- | --- | --- | --- | 704.55 | 1263.64 | 6686.36 | 263.64 | 0.01 | 0.01 | 0.06 | 0.00 | 17 | 0.11 | 0.19 | 1.02 | 0.04 | 28 | 0.18 | 0.32 | 1.68 | 0.07 | 43 | 0.27 | 0.49 | 2.59 | 0.10 |
| Large | Cruising | 2.00 | 30 | 62646 | 18793.8 | 25202.9 | 50405.8 | 1.60 | 0.50 | 16.17 | 1.37 | 0.08 | 0.03 | 0.82 | 0.07 | 13 | 1.05 | 0.33 | 10.60 | 0.90 | 28 | 2.26 | 0.71 | 22.82 | 1.93 | 43 | 3.47 | 1.08 | 35.05 | 2.97 |
| | Maneuvering | 0.50 | 15 | 62646 | 9396.9 | 12601.4 | 6300.7 | 2.43 | 0.76 | 23.96 | 1.37 | 0.02 | 0.00 | 0.15 | 0.01 | 13 | 0.20 | 0.06 | 1.96 | 0.11 | 28 | 0.43 | 0.13 | 4.23 | 0.24 | 43 | 0.66 | 0.21 | 6.49 | 0.37 |
| | Hotelling | 9.00 | --- | --- | --- | --- | --- | 704.55 | 1263.64 | 6686.36 | 263.64 | 0.01 | 0.01 | 0.06 | 0.00 | 13 | 0.08 | 0.15 | 0.78 | 0.03 | 28 | 0.18 | 0.32 | 1.68 | 0.07 | 43 | 0.27 | 0.49 | 2.59 | 0.10 |
| | | | | | | | | | | | | | | | | 40 | 3.17 | 1.37 | 31.75 | 2.45 | 69 | 5.72 | 2.43 | 57.29 | 4.44 | 107 | 8.83 | 3.76 | 88.51 | 6.85 |
| Boilers | | | | | | | | Emission Factors (g/hr) | | | | Emissions (tons/mode) | | | | | | | | | | | | | | | | | | | |
| Small | Hotelling | 9 | --- | --- | --- | --- | --- | 509.09 | 36.36 | 1213.64 | 127.27 | 0.00 | 0.00 | 0.01 | 0.00 | 10 | 0.05 | 0.00 | 0.11 | 0.01 | 13 | 0.06 | 0.00 | 0.14 | 0.01 | 21 | 0.10 | 0.01 | 0.23 | 0.02 |
| Medium | Hotelling | 9 | --- | --- | --- | --- | --- | 509.09 | 36.36 | 1213.64 | 127.27 | 0.00 | 0.00 | 0.01 | 0.00 | 17 | 0.08 | 0.01 | 0.19 | 0.02 | 28 | 0.13 | 0.01 | 0.31 | 0.03 | 43 | 0.20 | 0.01 | 0.47 | 0.05 |
| Large | Hotelling | 9 | --- | --- | --- | --- | --- | 509.09 | 36.36 | 1213.64 | 127.27 | 0.00 | 0.00 | 0.01 | 0.00 | 13 | 0.06 | 0.00 | 0.14 | 0.01 | 28 | 0.13 | 0.01 | 0.31 | 0.03 | 43 | 0.20 | 0.01 | 0.47 | 0.05 |
| | | | | | | | | | | | | | | | | 40 | 0.18 | 0.01 | 0.44 | 0.05 | 69 | 0.32 | 0.02 | 0.75 | 0.08 | 107 | 0.49 | 0.04 | 1.17 | 0.12 |
| Tugs | # of tugs | | | | | | | | | | | Emissions (lbs/trip) | | | | | | | | | | | | | | | | | | |
| All | 15 | | | | | | | | | | | 2.09 | 0.00 | 13.78 | 0.58 | 0 | 0.00 | 0.00 | 0.00 | 0.00 | 15 | 0.02 | 0.00 | 0.10 | 0.00 | 15 | 0.02 | 0.00 | 0.10 | 0.00 |
| TOTAL | | | | | | | | | | | | | | | | | 3.35 | 1.38 | 32.18 | 2.50 | 153.00 | 6.05 | 2.46 | 58.15 | 4.52 | 229.00 | 9.34 | 3.80 | 89.78 | 6.98 |

| Summary of Increase in Emissions over 2001 (tons/year) | | | | | |
|---|---|---|---|---|---|
| | # of ships | CO | ROG/HC | NOx | PM |
| 2004 | 29 | 2.70 | 1.08 | 25.96 | 2.02 |
| 2020 | 67 | 5.99 | 2.42 | 57.60 | 4.48 |

| Analysis Years 2004 and 2020 | | |
|---|---|---|
| **Daily Emissions (lbs/day)** | | |
| **Motor Vehicle Emissions** | | |
| | Cruise season | Off season |
| ROG | 143.00 | 141.00 |
| NOx | 214.00 | 211.00 |
| PM10 | 89.00 | 87.00 |
| | | |
| **Area Source Emissions** | | |
| | Cruise season | Off season |
| ROG | 15.00 | 15.00 |
| NOx | 2.00 | 2.00 |
| PM10 | 0.01 | 0.01 |
| | | |
| **Ship Emissions** | | |
| | Cruise season | Off season |
| ROG | 56.24 | 0.00 |
| NOx | 1152.50 | 0.00 |
| PM10 | 87.32 | 0.00 |
| | | |
| **TOTAL** | | |
| | Cruise season | Off season |
| ROG | 214.24 | 156.00 |
| NOx | 1368.50 | 213.00 |
| PM10 | 176.33 | 87.01 |

**Assumption for motor vehicle emissions**

1. ADT estimate of 11,737 trips for cruise season is for the worst case day when 2 ships are at the port.
2. ADT estimate of 8,914 trips for off season is for the worst case day when there is an event at the terminal.

| Analysis Year 2004 | | | | | Analysis Year 2020 | | | |
|---|---|---|---|---|---|---|---|---|
| **Annual Emissions (tons/year)** | | | | | **Annual Emissions (tons/year)** | | | |
| **Motor Vehicle Emissions** | | | | | **Motor Vehicle Emissions** | | | |
| | Cruise season | Off season | Total | | | Cruise season | Off season | Total |
| ROG | 8.71 | 10.70 | 19.42 | | ROG | 10.21 | 10.70 | 20.91 |
| NOx | 12.55 | 15.30 | 27.84 | | NOx | 14.84 | 15.30 | 30.14 |
| PM10 | 5.24 | 6.39 | 11.64 | | PM10 | 6.20 | 6.39 | 12.59 |
| | | | | | | | | |
| **Area Source Emissions** | | | | | **Area Source Emissions** | | | |
| | Cruise season | Off season | Total | | | Cruise season | Off season | Total |
| ROG | 1.15 | 1.59 | 2.74 | | ROG | 1.15 | 1.59 | 2.74 |
| NOx | 0.15 | 0.21 | 0.37 | | NOx | 0.15 | 0.21 | 0.37 |
| PM10 | 0.00 | 0.00 | 0.00 | | PM10 | 0.00 | 0.00 | 0.00 |
| | | | | | | | | |
| **Ship Emissions** | | | | | **Ship Emissions** | | | |
| | Cruise season | Off season | Total | | | Cruise season | Off season | Total |
| ROG | 1.08 | 0.00 | 1.08 | | ROG | 2.42 | 0.00 | 2.42 |
| NOx | 25.96 | 0.00 | 25.96 | | NOx | 57.60 | 0.00 | 57.60 |
| PM10 | 2.02 | 0.00 | 2.02 | | PM10 | 4.48 | 0.00 | 4.48 |
| | | | | | | | | |
| **TOTAL** | | | | | **TOTAL** | | | |
| | Cruise season | Off season | Total | | | Cruise season | Off season | Total |
| ROG | 10.94 | 12.29 | 23.24 | | ROG | 13.77 | 12.29 | 26.07 |
| NOx | 38.66 | 15.51 | 54.17 | | NOx | 72.60 | 15.51 | 88.11 |
| PM10 | 7.26 | 6.40 | 13.66 | | PM10 | 10.68 | 6.40 | 17.07 |

**Assumption for motor vehicle emissions**

1. ADT estimate for cruise season is for the worst case day when 2 ships are at the port.
This happens for only 10 percent of the calls - so 3 days in 2004 and 7 days in 2020.
For the remainder of the 5 month long (153 day long) cruise period, motor vehicle emissions from only non-cruise terminal activity of the project is used.

2. Similarly the ADT estimate for off season is for the worst case day when there is an event at the terminal.
This happens about 10 times per year during the off season only.
For the remainder of the 7 month long (212 day long) off season, emissions from non-cruise terminal related project traffic is used.

3. Weekend traffic will be much lower than weekday traffic and so emissions from the 52 weekends have been estimated very conservatively by assuming that weekend traffic activity will be the same as weekday traffic activity for both cruise season and off season.

# APPENDIX D

## CALIFORNIA STATE ASSEMBLY BILL 1389

AMENDED IN SENATE SEPTEMBER 14, 2001

AMENDED IN SENATE SEPTEMBER 13, 2001

AMENDED IN SENATE SEPTEMBER 7, 2001

AMENDED IN SENATE JULY 12, 2001

AMENDED IN SENATE JUNE 20, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

# ASSEMBLY BILL No. 1389

**Introduced by Assembly Member Shelley**

February 23, 2001

An act relating to lands granted in trust to the City and County of San Francisco.

LEGISLATIVE COUNSEL'S DIGEST

AB 1389, as amended, Shelley. San Francisco waterfront: cruise ship terminal development.

Under existing law (the Burton Act), the state granted certain lands to the City and County of San Francisco in trust for purposes of commerce, navigation, and fisheries, and subject to specified terms and conditions relating to the operation of the Port of San Francisco. Existing law (the McAteer-Petris Act) establishes the San Francisco Bay Conservation and Development Commission and requires the commission to regulate fill and development within a specified area in San Francisco Bay.

This bill would declare specified areas along the San Francisco waterfront to be free from the public trust for commerce, navigation,

and fisheries, as provided, and would authorize the San Francisco Port Commission to approve a cruise ship terminal development, other maritime facilities, and commercial and office space on a specified area of the San Francisco waterfront. The bill would authorize the State Lands Commission to convey to the City and County of San Francisco all of the rights, title, and interest held by the state in trust to specified lands along the waterfront, but would prescribe terms and conditions for the use of those lands in connection with the cruise ship terminal development, as provided.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. For purposes of this chapter, the following terms have the following meanings:

(a) "BCDC" means the San Francisco Bay Conservation and Development Commission established pursuant to Section 66620 of the Government Code.

(b) "Bay jurisdiction" means the jurisdiction, powers, and duties of BCDC pursuant to Title 7.2 (commencing with Section 66600) of the Government Code within the area defined in subdivision (a) of Section 66610 of the Government Code.

(c) "Bay Plan" means the San Francisco Bay Plan as adopted and administered by BCDC pursuant to Title 7.2 (commencing with Section 66600) of the Government Code, including all amendments thereto.

(d) "Boundary of the Port of San Francisco" means that line defining the boundary of "Parcel A" in the description of the lands transferred in trust to the City and County of San Francisco pursuant to Chapter 1333 of the Statutes of 1968, recorded on May 14, 1976, in Book C169, pages 573 to 664, inclusive, in the City and County of San Francisco Recorder's Office.

(e) "Brannan Street Wharf" means a major San Francisco waterfront park in the area of Piers 34 and 36, as identified in the Special Area Plan.

(f) "Burton Act" means Chapter 1333 of the Statutes of 1968, as amended.

(g) "Burton Act trust" means the statutory trust imposed by the Burton Act (Chapter 1333 of the Statutes of 1968, as amended),

pursuant to which the state conveyed to the City and County of San Francisco, in trust, by transfer agreement, and subject to certain terms, conditions, and reservations, the state's interest in certain tide and submerged lands.

(h) "City" means the City and County of San Francisco.

(i) "McAteer–Petris Act" means Title 7.2 (commencing with Section 66000) of the Government Code.

(j) "Public trust" or "trust" means the public trust for commerce, or navigation and fisheries.

(k) "Port" means the City and County of San Francisco acting by and through the San Francisco Port Commission.

(*l*) "San Francisco Bay" means those areas defined in Section 66610 of the Government Code.

(m) "San Francisco waterfront" means those portions of the area transferred to the port pursuant to the Burton Act that also lie within the area defined in subdivisions (a) and (b) of Section 66610 of the Government Code.

(n) "Seawall Lot 330" means that parcel of property located in San Francisco identified on that certain map entitled SUR 790, and shown on Page 318 of the City and County of San Francisco 100 Scale Ownership Maps, which is on file with the city's Bureau of Street Use and Mapping.

(o) "Shoreline band jurisdiction" means the jurisdiction, powers, and duties of BCDC pursuant to Title 7.2 (commencing with Section 66600) of the Government Code to regulate uses within the area defined in subdivision (b) of Section 66610 of the Government Code to ensure, in part, maximum feasible public access, as prescribed in Section 66632.4 of the Government Code.

(p) "Special Area Plan" means the San Francisco Waterfront Special Area Plan, dated July 20, 2000, adopted by BCDC, as amended from time to time.

(q) "Street" means those lands located within the South Beach/China Basin Planning area of the San Francisco waterfront at Seawall Lot 330, and also lying within Parcel A of those lands transferred to the City and County of San Francisco pursuant to the Burton Act, as recorded May 14, 1969, in Book C 169 at Pages 573 to 664, inclusive, in the San Francisco Recorder's office, as more particularly described as that portion of Main Street, located between Bryant Street and the Embarcadero, vacated per Ordinance 14-93 on January 11, 1993, on file with the San

Francisco Bureau of Street Use and Mapping, in Book 10, Page 94. All streets and street lines described in the preceding sentence are in accordance with that certain map entitled SUR 790, and shown on Page 318 of the City and County of San Francisco 100 Scale Ownership Maps, on file with the City's Bureau of Street Use and Mapping.

(r) "Waterfront Land Use Plan" means the Waterfront Land Use Plan, including the Waterfront Design and Access Element, adopted by the port pursuant to Resolution No. 97–50, as amended from time to time.

SEC. 2. The Legislature finds and declares all of the following:

(a) In 1965, the Legislature adopted the McAteer–Petris Act to protect and enhance the San Francisco Bay and its natural resources. The McAteer–Petris Act grants BCDC regulatory authority over further filling in San Francisco Bay through exercise of its bay jurisdiction, and limits that activity to (1) water-oriented uses that meet specified criteria; (2) minor fill that improves shoreline appearance or public access; and (3) activities necessary for the health, safety and welfare of the public in the entire bay area. The McAteer-Petris Act also authorizes BCDC to require the provision of maximum feasible access to the bay consistent with the project over a 100-foot shoreline band through the exercise of its shoreline band jurisdiction.

(b) In 1969, pursuant to the Burton Act, the state conveyed by transfer agreement certain state tide and submerged lands to the Port. The lands are held by the Port in trust for purposes of commerce, navigation, and fisheries, and are subject to the terms and conditions specified in the Burton Act and the public trust. During the three decades since passage of the Burton Act, issues have arisen concerning the application of the McAteer–Petris Act to the piers along the San Francisco waterfront. To address those issues, BCDC and the Port undertook two intensive and careful planning processes, which lasted over nine years.

(c) The first process culminated in 1997 with the adoption by the Port of the Waterfront Land Use Plan and with the adoption by the Board of Supervisors of the City and County of San Francisco and the Planning Commission of the City and County of conforming amendments to the City's General Plan and Planning Code.

(d) In July 2000, after the second five-year cooperative process involving the Port, BCDC, the Save San Francisco Bay Association, and numerous interested community groups and individuals, was completed, the Port adopted further amendments to the Waterfront Land Use Plan. BCDC also adopted amendments to the Special Area Plan which is incorporated into, and made a part of, the San Francisco Bay Plan, to create consistent plans for the area of the San Francisco waterfront between Pier 35 and China Basin. At the present time, the Waterfront Land Use Plan addresses specific McAteer–Petris Act issues relating to public access and the preservation and enhancement of open water as a bay resource in this area. The plan also defines public access opportunities on each pier in this area and calls for the removal of certain additional piers to enhance water views and create additional bay surface area.

(e) A major objective of the joint effort described in subdivisions (b), (c), and (d) is to establish a new criterion in the San Francisco Bay Plan that would permit fill on the San Francisco waterfront in an area where a Special Area Plan has been adopted by BCDC for uses that are consistent with the public trust and the Burton Act trust. The Special Area Plan for the area between Pier 35 and China Basin should provide for all of following:

(1) The nature and extent of maximum feasible public access for the piers including perimeter access, a history walk on most piers, and other significant access features on piers where appropriate.

(2) Two major public plazas, the Brannan Street Wharf adjacent to Pier 30-32 and another in the vicinity of Pier 27.

(3) A public planning process to lead to the creation of a third major public plaza in the Fisherman's Wharf area.

(4) The removal of certain piers to uncover additional bay surface.

(5) The creation and funding of a special fund within the Port to finance the removal of the selected piers and the construction and maintenance of those public plazas.

(6) A historic preservation mechanism to ensure preservation of important historic resources on the piers.

(7) The ability of the Port to repair, improve, or use the piers not designated for removal between Pier 35 and China Basin for

any purpose consistent with the Burton Act, the public trust and the Special Area Plan.

(f) The San Francisco waterfront, which has been the subject of this planning process, provides benefits to the entire bay area, and serves as a unique destination for the region's public. These regionwide benefits include enjoyment of a unique, publicly owned waterfront that provides special maritime, navigational, recreational, cultural, and historical benefits that serve the bay area. Accordingly, the adoption by BCDC, and the ratification by the Legislature, of the Special Area Plan, as amended, is necessary to protect the health, safety, and welfare of the public in the entire bay area for purposes of subdivision (f) of Section 66632 of the Government Code.

SEC. 3. The Legislature also hereby finds and declares all of the following with respect to Seawall Lot 330 and the street:

(a) The lands comprising the street are tide and submerged lands that have been filled and reclaimed, and were reserved to the state solely for street purposes.

(b) The filled and reclaimed tide and submerged lands constituting the street have been filled and reclaimed for, and in connection with, a highly beneficial plan of improvement for harbor development.

(c) The street is not used, suitable, or necessary for navigation purposes and is not necessary, or used for street purposes.

(d) The street or any interests in the street that are to be sold by the city, and over which the Burton Act trust and the public trust will be terminated, constitute a relatively small portion of the granted tide and submerged lands.

(e) Section 3 of Article X of the California Constitution permits the sale to any city, county, city and county, municipal corporation, private person, partnership, or corporation of tidelands reserved to the state solely for street purposes, which tidelands the Legislature finds and declares are not used and not necessary for navigation purposes, subject to such conditions as the Legislature may impose to protect the public interest.

(f) The existence of the street limits the potential development of Seawall Lot 330. The proposed sale will be consistent with Section 3 of Article X of the California Constitution, if all of the following conditions are met:

(1) The consideration for the sale of the street, pursuant to Section 3 of Article X of the California Constitution, shall be the fair market value of those lands or interests in the lands.

(2) The street to be sold by the city and over which the public trust or the Burton Act trust, or both trusts, will be terminated has been filled and reclaimed, and the street consisting entirely of dry land lying above the present line of mean high tide is no longer needed or required for the purposes of the public trust or the Burton Act trust.

(3) The street to be sold by the city and over which the public trust or the Burton Act trust, or both trusts, will be terminated has been cut off from direct access to the waters of San Francisco Bay by past filling of intervening property for a major roadway (the Embarcadero), which has provided, and will continue to provide, lateral public access to the water.

(4) The street was reserved to the state for street purposes and is not used or necessary for navigation purposes. Therefore, in accordance with Section 3 of Article X of the California Constitution, that street can and should be conveyed into private ownership for uses consistent with, and in furtherance of, this act.

(5) The sale of the street shall occur only in conjunction with a simultaneous exchange of the state's sovereign title in Seawall Lot 330 pursuant to Chapter 310 of the Statutes of 1987, according to the terms and conditions required by the State Lands Commission, or other disposition of the state's sovereign title in Seawall Lot 330 approved by the State Lands Commission or the Legislature.

(g) It is therefore the intent of the Legislature, subject to the terms and conditions set forth in this act to authorize the city to dispose of the street for private use free from the public trust or the Burton Act trust.

SEC. 4. The Legislature further finds and declares that the following unique circumstances exist at Pier 30-32 on the San Francisco waterfront, and that therefore, this act sets no precedent for any other location or project in the state:

(a) The Pier 30-32 platform bayward of the Embarcadero consists of an obsolete, pile-supported pier structures that are physically no longer capable of serving most trust-related purposes without substantial modification and repair.

(b) San Francisco is the center of northern California's cruise activity. The need for a new cruise ship terminal has been recognized for over 40 years, most recently in a 1998 assessment by the Port that found that cruise industry experts considered the present terminal at Pier 35 on the San Francisco waterfront to be inferior to other cruise terminals in the United States. That assessment also concluded that the existing San Francisco passenger terminal at Pier 35 cannot accommodate modern cruise ships. Without a new passenger terminal, California stands to lose a significant portion of the cruise ship business it presently enjoys, which would also adversely affect the many maritime industries dependent on a healthy cruise industry.

(c) The Port's 1998 assessment evaluated alternative locations for a new cruise ship terminal and concluded that Pier 30-32 was the most viable site for a new cruise terminal in San Francisco because of dredging, site configuration, and development considerations.

(d) The Waterfront Land Use Plan and the Special Area Plan recognize that the development of Pier 30-32 and the surrounding area within the South Beach/China Basin subarea identified in the Waterfront Land Use Plan would further the public trust purposes of increasing maritime activities and expanding public use and enjoyment of the waterfront on trust lands at this location.

(e) The Port has solicited proposals and has chosen a developer for a mixed-use development at Pier 30-32, the primary purposes of which are to promote waterborne transportation at the port by constructing the James R. Herman International Cruise Terminal at Pier 30-32, and to further public use and enjoyment of the tidelands at this location by providing boat berths, public access, and substantial ground floor commercial public trust uses.

(f) In addition to being a destination for cruise ships, the planned improvements include berthing facilities for waterborne transit, such as water taxis and commercial excursion and recreational boats that will promote local waterborne transit and establish the proposed development at Pier 30-32 as a water-side destination for recreational boating.

(g) The Brannan Street Wharf will lie adjacent to Pier 30-32. Pursuant to the Special Area Plan implementation requirements, the approval and construction of the proposed development at Pier 30-32 requires that the construction of Phase I of the Brannan

Street Wharf be completed no later than five years after the issuance of a certificate of occupancy for the major reuse of Pier 30-32, and that the entire Brannan Street Wharf be completed no later than 15 years after issuance of a certificate of occupancy for the major reuse of Pier 30-32, if grant funds or other funding are available, or 20 years if not. The Brannan Street Wharf will provide an essential recreational element to serve the public trust as provided in the Special Area Plan. Accordingly, it is desirable that the construction of the Brannan Street Wharf be accelerated.

(h) The Port is committed to the construction of the Brannan Street Wharf earlier than required under the Special Area Plan through investment of approximately fifteen million dollars ($15,000,000) for the removal of 175,000 square feet of pile-supported fill and development of public access improvements, to be funded primarily by revenue from port operations, including the development of Pier 30-32.

(i) The proposed development of a cruise ship terminal at Pier 30-32 will require a substantial capital investment to improve the piles and decking. The Port must conserve port revenue to support those maritime uses and public improvements for which private investment is not economical. Therefore, the Port cannot directly fund all necessary capital improvements to construct new needed maritime facilities, including a new passenger terminal and associated improvements.

(j) Under applicable regulations, and due to the limited, seasonal (May through September) nature of the cruise ship operation, cruise ships will use the cruise terminal only approximately 65 to 100 days per year.

(k) The inclusion of public access structures, a lagoon, transient boat berthing, commercial public trust uses, together with a new passenger terminal, promotes the trust objectives of furthering maritime commerce and improving public access and use on the San Francisco waterfront.

(*l*) The inclusion of upper level general office space at Pier 30-32 is proposed because it provides a needed incentive for private investment. To the extent the office space is not occupied by trust tenants, it is not a trust use, notwithstanding its importance as a financial inducement.

SEC. 5. The Legislature, in the exercise of its retained power as trustee of the public trust, and in view of the unique

circumstances existing at Pier 30-32 on the San Francisco waterfront and the considerable statewide public benefit and promotion of maritime transportation that will be brought about by the construction of a new passenger cruise ship terminal, improvements to berthing facilities for waterborne transit, a lagoon, improved public access and commercial public trust uses on this site, hereby authorizes the Port to approve a cruise ship terminal development on the San Francisco waterfront at Pier 30-32, which would include general office use and general retail use, if all of the following conditions are met:

(a) The development includes a modern two-berth cruise ship terminal.

(b) The development includes a public access component that meets the requirements of the Special Area Plan and the San Francisco Bay Plan as interpreted by BCDC and that also offers expanded bay views and public access.

(c) Prior to submitting a major permit application to BCDC for the cruise ship terminal development, the Port, after review by or on behalf of BCDC, approves the final design concept for the Brannan Street Wharf.

(d) Prior to the issuance of a BCDC permit for the cruise ship terminal development, the Port demonstrates, to the satisfaction of BCDC and the Attorney General's office, that it has irrevocably encumbered all of the funds deemed necessary for the completion of the Brannan Street Wharf and has placed the funds in a segregated account guaranteed to be available to be drawn upon for the construction of the Brannan Street Wharf, and the Port and BCDC enter into an enforceable agreement that provides for the Port to fund, directly or through grant funding, or both, design, and construct the Brannan Street Wharf consistent with the following timetable:

(1) The Port shall complete preliminary engineering drawings for the Brannan Street Wharf and prepare and submit to BCDC a financing plan approved by the Port indicating funding sources and estimated construction costs at the time the construction of the cruise ship terminal development commences.

(2) The Port shall complete Phase 1, the northern portion of the Brannan Street Wharf (in the area of Pier 34), as described in the Special Area Plan contemporaneously with the construction of the cruise terminal development.

(3) The Port shall remove Pier 36 and complete the Brannan ~~Street Wharf contemporaneously with the cruise ship terminal~~ *Street Wharf no later than five years after commencement of construction of the cruise ship terminal* development.

(e) The amount of office space in the development does not exceed 300,000 leasable square feet, all of which shall be above the ground level. This office space shall also be designed to contribute to a development design that includes public spaces and promotes visual and public access. An additional 25,000 leasable square feet of space in the cruise ship terminal building may be used for general office use until the earlier of either of the following:

(1) Fourteen years from the first date of occupancy.

(2) When home berthing ships above 5,000 passenger berth capacity call for 15 days per year for two consecutive years.

(f) The development includes a marketing program designed to maximize the amount of general office space occupied by trust-related tenants over the life of the development.

(g) The cruise ship terminal as approved by BCDC complies with the requirements set forth in this subdivision. For purposes of this subdivision only, "trust retail" means visitor serving public trust retail and restaurant use. "Nontrust retail" means other retail, indoor public assembly, and theatre uses. The amount of trust retail leasable space shall be equal to or greater than the nontrust retail leasable space. The amount of trust and retail leasable space, nontrust retail leasable space, and visitor serving trust use converted from trust or nontrust retail approved by BCDC, as approved by BCDC, shall be at least 40 percent of the total amount of office leasable space.

SEC. 6. The Legislature finds and declares that the 2000 amendments of the San Francisco Bay Plan and the Special Area Plan by BCDC are authorized under subdivision (f) of Section 66632 of the Government Code as necessary to protect the health, safety, and welfare of the public in the entire Bay Area, and BCDC's actions with respect to those amendments are hereby ratified and confirmed.

SEC. 7. Notwithstanding the Special Area Plan and the Bay Plan requirement for findings of consistency with the public trust doctrine and the Burton Act, BCDC is authorized to approve the cruise ship terminal development trust as provided in this act.

Except as provided in Section 14 of this act, nothing in this act is intended to limit the discretion of BCDC to approve or deny permits for the projects described in this act in a manner consistent with the McAteer-Petris Act, the Bay Plan, the Special Area Plan, and this act, or to limit the discretion of BCDC to enforce permits issued for the projects described in this act.

SEC. 8. (a) For the purpose of effectuating the sale of the street, including the conveyance of the street by the city, free of the public trust and the Burton Act trust, the State Lands Commission may convey to the city by patent all of the rights, title, and interest held by the state by virtue of its sovereign trust title to the street, including any public trust interest or Burton Act reservation or trust interest, not heretofore conveyed, subject to any reservations the State Lands Commission determines appropriate.

(b) In any case where the state, pursuant to this act, conveys filled tidelands and submerged lands transferred to the city pursuant to the Burton Act, the state shall reserve all minerals and all mineral rights in the lands of every kind and character now known to exist or hereafter discovered, including, but not limited to, oil and gas and rights thereto, together with the sole, exclusive, and perpetual right to explore for, remove, and dispose of those minerals by any means or methods suitable to the state or to its successors and assignees, except that, notwithstanding the Burton Act, or Section 6401 of the Public Resources Code, any such reservation shall not include the right of the state or its successors or assignees in connection with any mineral exploration, removal, or disposal activity, to do either of the following:

(1) Enter upon, use, or damage the surface of the lands or interfere with the use of the surface by any grantee or by the grantee's successors or assignees.

(2) Conduct any mining activities of any nature whatsoever above a plane located 500 feet below the surface of the lands without the prior written permission of any grantee of the lands or the grantee's successors or assignees.

SEC. 9. The city may, pursuant to Section 3 of Article X of the California Constitution, sell the street to any private person, partnership, or corporation, with the approval of the State Lands Commission, if the city first finds that sale is consistent with the legislative findings and declarations set forth in Section 3. That sale shall not be effective unless and until the State Lands

Commission, at a regular open meeting with the proposed sale of the street as a properly scheduled agenda item, does or has done, all of the following:

(b) Finds, or has found, that the consideration for the sale of the street pursuant to Section 3 of Article X of the California Constitution shall be the fair market value of the street.

(a) Adopts, or has adopted, a resolution approving the sale that finds and declares that the street has been filled and reclaimed, is cut off from access to the waters of San Francisco Bay, and is no longer needed or required for the promotion of the public trust or the Burton Act trust, and that no substantial interference with the public trust or Burton Act trust uses and purposes will ensue by virtue of the sale. The resolution shall also declare that the sale is consistent with the findings and declarations in Section 3, and the sale is in the best interests of the state and city. Upon adoption of the resolution, or at a time that is specified in the resolution, the street shall thereupon be free from the public trust and the Burton Act trust.

(c) Finds, or has found, that the sale of the street shall occur only in conjunction with a simultaneous exchange of the state's sovereign title in Seawall Lot 330 pursuant to Chapter 310 of the Statutes of 1987, according to the terms and conditions required by the State Lands Commission, or other disposition of the state's sovereign title in Seawall Lot 330 approved by the State Lands Commission or the Legislature, and that the proceeds for that sale will be devoted to trust-related capital improvements by the Port.

SEC. 10. Sales made by the city pursuant to this act are hereby determined to be of statewide significance and importance and, therefore, any ordinance, charter provision, or other provision of local law inconsistent with this act is not applicable to those sales.

SEC. 11. Any agreement for the sale of, and trust termination over, the street pursuant to this act shall be conclusively presumed to be valid, unless held to be invalid in an appropriate proceeding in a court of competent jurisdiction to determine the validity of the agreement. Any such proceeding shall be commenced within 60 days after the recording of the agreement.

SEC. 12. The State Lands Commission and the city may modify any description and plat prepared and recorded pursuant to the Burton Act, as amended, and Section 11 of that certain agreement relating to the transfer of the Port of San Francisco from

the state to the city and dated January 24, 1969, and to record the modified description and plat in the office of the recorder of the city.

SEC. 13. An action may be brought under Chapter 4 (commencing with Section 760.010) of Title 10 of Part 2 of the Code of Civil Procedure by the parties to any agreement regarding a street sale or exchange of land entered into pursuant to this act or pursuant to Chapter 310 of the Statutes of 1987 to confirm the validity of the agreement. Notwithstanding Section 764.080 of the Code of Civil Procedure, the statement of decision in the action shall include a recitation of the underlying facts and a determination whether the agreement meets the requirements of this act, Chapter 310 of the Statutes of 1987, Sections 3 and 4 of Article X of the California Constitution, and any other law applicable to the validity of the agreement.

SEC. 14. The authorization contained in Section 5, and any lease, permit, development approval, or other entitlement for use, including any BCDC permit, for the cruise ship terminal development that is dependent upon that authorization is not affected by the failure of the Port to perform any obligation under the BCDC agreement referred to in subdivision (d) of Section 5, and that authorization and the lease, permit, development approval, or other entitlement for use shall remain in full force and effect. BCDC may enforce the agreement referred to in subdivision (d) of Section 5 by specific performance or by any other enforcement remedy in the McAteer–Petris Act, except for revocation of any BCDC permit issued for the cruise terminal development.

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# APPENDIX E

## SUPPLEMENTAL DREDGING INFORMATION

PLANNIN DEPARTMENT
City and County of San Francisco 1660 Mission Street San Francisco, CA 94103-2414
(415) 558-6378 PLANNING COMMISSION FAX: 558-6409 ADMINISTRATION FAX: 558-6426 CURRENT PLANNING/ZONING FAX: 558-6409 LONG RANGE PLANNING FAX: 558-6426

## CERTIFICATE OF DETERMINATION OF EXEMPTION/EXCLUSION FROM ENVIRONMENTAL REVIEW

Project Title : Port of San Francisco 5-year maintenance dredging program
Location: San Francisco Bay, various locations
City and County : San Francisco

Description of Nature and Purpose of Project:
The Port of San Francisco is applying to the U.S. Army Corps of Engineers and other Dredge Material Management Office (DMMO) agencies for a 60-month maintenance dredging permit. Maintenance dredging would occur at various locations (piers and pier approaches) along the San Francisco waterfront to maintain channel and berth depths to accommodate maritime activities at the Port, including cargo shipping, commercial boating and fishing, recreational boating, cruise ships, and passenger ferry services. A maximum dredge amount of 422,400 cubic yards of material is requested. Dredged material would be tested and, if meeting in-Bay disposal standards, would be disposed of at the Alcatraz Disposal Site. If any dredged material fails to meet in-Bay disposal standards, the Port would either seek an alternative upland disposal site or exclude that material from dredging.

Name of Person, Board, Commission or Department Proposing to Carry Out Project:
Port of San Francisco, requiring permits/approvals from U.S. Army Corps of Engineers, Bay Conservation and Development Commission, Regional Water Quality Control Board, and State Lands Commission.

EXEMPT STATUS: (Check One)
X Categorical Exemption (State Guidelines, Section 15300-15329; Public Resources Code, Section 21085). State Class Number: 4(g)

REMARKS:
Maintenance dredging proposed would be in areas and at depths previously subject to ongoing maintenance dredging, with the exception of the proposed Downtown Ferry Terminal near the Ferry Building. The Ferry Terminal is undergoing environmental review, which will include consideration of potential impacts from associated dredging. The 60-month maintenance dredging program includes maintenance dredging that would be anticipated at the Ferry Terminal if the project is approved and initial new dredging is completed. Class 4(g) exempts from CEQA "maintenance dredging where the spoil is deposited in a spoil area authorized by al applicable state and federal regulatory agencies."

Contact Person: Paul Deutsch 558-6383

Date of Determination: I do hereby certify that the above determination has been made pursuant to State and Local requirements.

2/7/97

HILLARY E. GITELMAN,
Environmental Review Officer

cc: Robert Passmore
✓Roberta Jones, Port of S.F.
Bulletin Board
M.D.F.
Exemption/Exclusion File

BWS:OER:3 2/96

STATE OF CALIFORNIA GRAY DAVIS, Governor

**SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION**
THIRTY VAN NESS AVENUE, SUITE 2011
SAN FRANCISCO, CALIFORNIA 94102-6080
PHONE: (415) 557-3686
http://ceres.ca.gov/bcdc/

bcdc Celebrating 35 Years

September 21, 2001

Mr. John Doll
Development Project Coordinator
Port of San Francisco
Pier 1
San Francisco, California 94111

**SUBJECT:** BCDC Permit No. 2-97

Dear John:

Thank you for your August 13, 2001 letter, following up on Roberta Schoenholz's March 7, 2000 letter regarding the need to dredge the north side of Pier 30-32 for the proposed cruise terminal. We have reviewed the information provided in your letter and earlier submittals with our own files and have determined that dredging the north side of Pier 30-32 to a depth of –35 feet Mean Lower Low Water would be considered as maintenance dredging.

Sincerely,

STEVEN A. McADAM
Deputy Director

SAM/mm

Dedicated to making San Francisco Bay better.

STATE OF CALIFORNIA GRAY DAVIS, *Governor*

**SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION**
THIRTY VAN NESS AVENUE, SUITE 2011
SAN FRANCISCO, CALIFORNIA 94102-6080
PHONE: (415) 557-3686

**Permittees' Copy**

PERMIT NO. 2-97
(Issued on July 7, 1997, As
Amended Through December 14, 1999)
AMENDMENT NO. FIVE

Port of San Francisco
Ferry Building
San Francisco, California 94111

ATTENTION: Bridgette DeShields

Ladies and Gentlemen:

On June 19, 1997, the San Francisco Bay Conservation and Development Commission, a vote of 17 affirmative, 0 negative, and 0 abstentions, approved the resolution pursuant to which the permit had been issued. Moreover on May 14, 1998, November 3, 1998, February 8, 1999, ~~and~~ August 27, 1999, and December 14, 1999, pursuant to Regulation Section 10822, the Executive Director approved Amendment Nos. One, Two, Three~~, and~~ Four, and Five, respectively, to which this amended is hereby issued:

## I. Authorization

A. Subject to the conditions stated below, the permittee, the Port of San Francisco, is granted permission to do the following:

**In the Bay:**

a. At the Port of San Francisco's, Piers 27, 29, 30, 31, 33, 35 East, 35 West, 39, 45 East, 48 A, 48 B, 50 A, 50 C, 50 D, 80 A, 80 B, 80 C, 80 D, 90, 92, 94, 96; Downtown Ferry Terminal; Islais Creek Channel and Outer Channel; Central Basin, Fisherman's Wharf East and Approach; and vessel approaches for Piers 48A, 48-50, Islais Creek, 80 C, and 80 D conduct regular maintenance dredging of up to ~~721,400~~ 1,352,200 cubic yards of material over a five-year period in order to maintain the authorized depths ranging from -20 to -40 feet mean lower low water (MLLW), differing by Port facility; and

b. Dispose of the dredged material at the Alcatraz Dredged Material Disposal Site (SF-11); in the ocean, at the federally authorized San Francisco Bay Deep Ocean Dredged Material Disposal Site (SF-DODS); and/or at upland locations, located outside of the Commission's jurisdiction (see Exhibits A and L).

Executed at San Francisco, California, on behalf of the San Francisco Bay Conservation and Development Commission on the date first above written.

WILL TRAVIS
Executive Director
San Francisco Bay Conservation and
Development Commission

WT/PB/ra
cc: U. S. Army Corps of Engineers, Attn.: Regulatory Functions Branch
San Francisco Bay Regional Water Quality Control Board,
Attn.: Certification Section
Environmental Protection Agency, Attn.: Mike Monroe-W-3-3
Department of Fish and Game, Attn: Robert Tasto
City and County of San Francisco, Attn: Planning Department

* * * * * * * * * * * * * * * * * * * * *

**Receipt acknowledged, contents understood and agreed to:**

Executed at _____ _____
Applicant

On _____ By: _____

_____
Title

14 Feb 97

# PORT OF SAN FRANCISCO 60 MONTH MAINTENANCE DREDGING PLAN

(FOR GENERAL PLANNING AND PERMITTING PURPOSES ONLY - NOT BUDGET OR CAPITAL PLANNING)

| FACILITY NAME | EXHIBIT DWG. NO. | BERTH WIDTH | BERTH LENGTH | FACILITY CODE | DREDGE DEPTH (M.L.L.W.) | DREDGE VOLUMES 96/97 Cu. Yds. | EPI-SODE | 97/98 Cu. Yds. | EPI-SODE | 98/99 Cu. Yds. | EPI-SODE | 99/00 Cu. Yds. | EPI-SODE | 00/01 Cu. Yds. | EPI-SODE |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Fishermans Wharf - West Approach | 2 | | | FWWAP | -20 ft. | | | | | | | | | | |
| Pier 45 East | 3 | 120 ft. | 600 ft. | 45E | -35 ft. | | | | | | | | | | |
| Pier 35 West | 4 | 120 ft. | 800 ft. | 35W | -30 ft. | | | 30,000 | 3 | | | 30,000 | 7 | | |
| Pier 35 East | 5 | 120 ft. | 1000 ft. | 35E | -35 ft. | | | 30,000 | 4 | 30,000 | 6 | 30,000 | 8 | 30,000 | 10 |
| Pier 29 | 6 | 120 ft. | 700 ft. | 29 | -35 ft. | | | | | | | | | | |
| Pier 27 | 7 | 120 ft. | 1100 ft. | 27 | -35 ft. | | | | | | | 15,000 | 7 | | |
| Downtown Ferry Terminal (4) | 8 | See Plan | See Plan | DTFT | -20 ft. | 20,000 | 2 | | | 8,000 | 8 | | | 10,000 | 10 |
| Pier 30 | 9 | 150 ft. | 800 ft. | 30 | -35 ft. | | | | | | | | | | |
| Pier 48A Approach | 10 | | | 48AAP | -35 ft. | | | | | | | | | | |
| Pier 48A | 10 | 125 ft. | 600 ft. | 48A | -35 ft. | | | | | | | | | | |
| Pier 48-50 Approach | 10 | | | 48B/50AP | -35 ft. | | | | | | | | | | |
| Pier 48B | 10 | 125 ft. | 600 ft. | 48B | -35 ft. | | | | | | | | | | |
| Pier 50A | 10 | 127 ft. | 650 ft. | 50A | -35 ft. | | | | | | | | | | |
| Pier 50C | 10 | 127 ft. | 860 ft. | 50C | -35 ft. | | | | | | | | | | |
| Central Basin | 11 | | | CB | -32 ft. | | | | | | | | | | |
| Islais Creek Approach | 12 | | | ICAP | -40 ft. | 18,000 | 2 | | | | | 18,000 | 8 | | |
| Islais Creek Channel Outer | 12 | | | ICCO | -40 ft. | 18,000 | 2 | | | | | 18,000 | 8 | | |
| Pier 80B | 12 | 125 ft. | 1335 ft. | 80B | -40 ft. | 4,400 | 2 | | | | | 4,400 | 8 | | |
| Islais Creek Channel | 12 | | | ICC | -40 ft. | 5,300 | 2 | | | | | 5,300 | 8 | | |
| Pier 92 | 12 | 100 ft. | 900 ft. | 92 | -35 ft. | 12,000 | 2 | | | | | 12,000 | 8 | | |
| Pier 90 | 12 | 100 ft. | 900 ft. | 90 | -40 ft. | | | | | | | | | | |
| 80C Approach | 12 | | | 80CAP | -40 ft. | 4,500 | 2 | | | | | 4,500 | 8 | | |
| Pier 80C | 12 | 125 ft. | 1300 ft. | 80C | -40 ft. | 13,500 | 2 | | | | | 13,500 | 8 | | |
| 80D Approach | 12 | | | 80DAP | -35 ft. | | | | | | | | | | |
| Pier 80D | 12 | 125 ft. | 950 ft. | 80D | -35 ft. | | | | | | | | | | |
| Pier 94 | 12 | 125 ft. | 716 ft. | 94 | -40 ft. | 12,000 | 2 | | | | | 4,000 | 8 | | |
| Pier 96 | 12 | 125 ft. | 1740 ft. | 96N/96S | -38 ft. | 18,000 | 2 | | | | | 4,000 | 8 | | |
| TOTAL PER YEAR | | | | | | 125,700 | | 60,000 | | 38,000 | | 159,700 | | 40,000 | |

NOTES:

1. Port's Fiscal Year is July 1st through June 30th. Episode 1 has been completed and is not shown on this Table.
2. All dredge materials are to be slurried or clamshell dredged, volumes are in-situ with 1 foot over dredge included.
3. ODD numbered episodes planned for July - November, EVEN numbered planned for March - June.
4. First episode not Maintenance Dredging

## Exhibit A

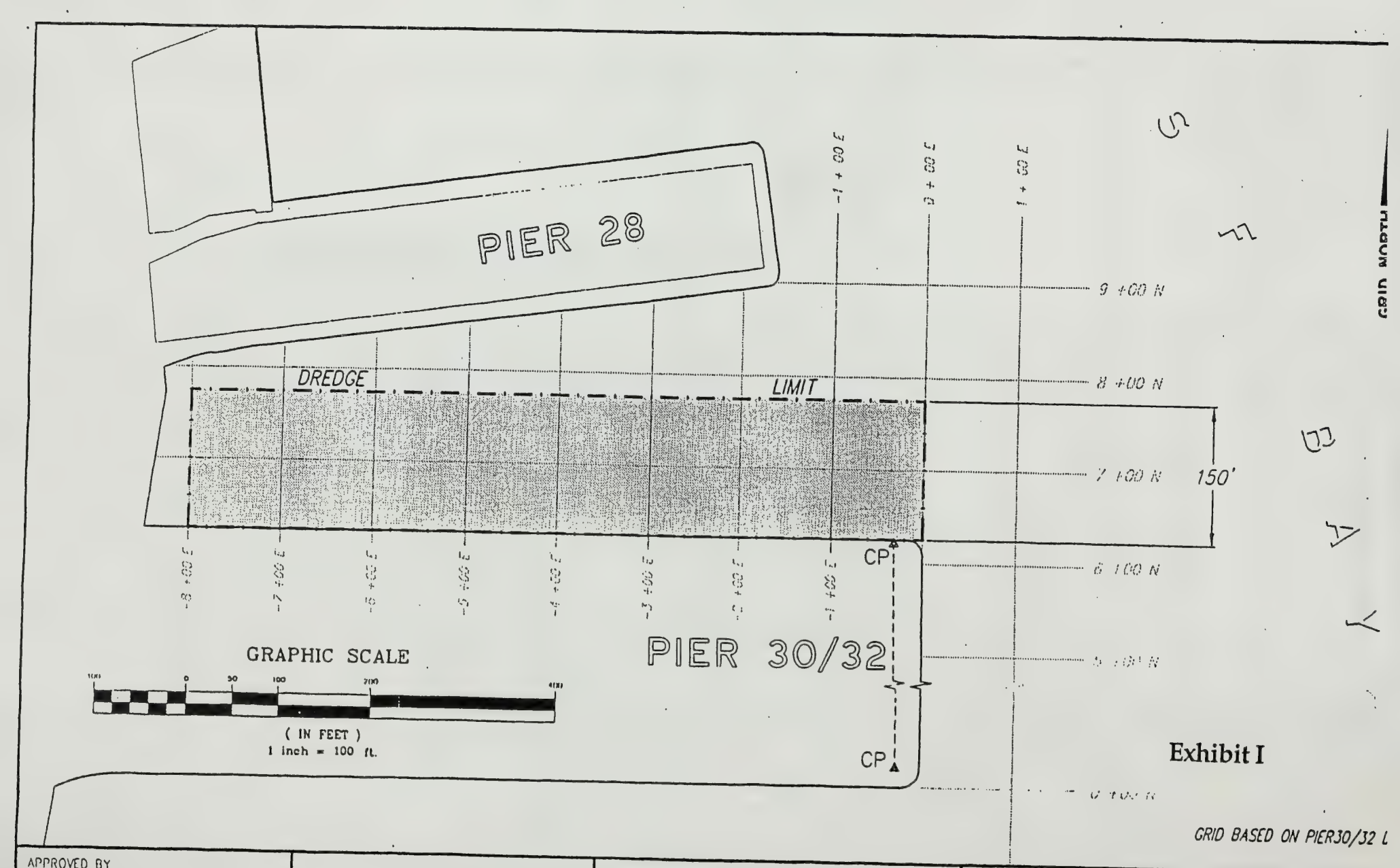


Exhibit I

GRID BASED ON PIER30/32 L

| | | | | |
|---|---|---|---|---|
| APPROVED BY<br>SAN FRANCISCO PORT COMMISSION<br>DATE _____<br>_____<br>CHIEF ENGINEER | CONTRACT NO. | PORT OF SAN FRANCISCO<br>SAN FRANCISCO PORT COMMISSION<br>DEPARTMENT OF ENGINEERING | 60-MONTH MAINTENANCE DREDGING PLAN<br>PIER 30<br>DREDGE LIMITS | IN CHARGE OF:<br>DRAWN BY:<br>DATA FILES:<br>DRAWING NO.<br>DATE:<br>SCALE: |

DEPARTMENT OF THE ARMY PERMIT

Permittee: **Port of San Francisco**

Permit No.: **22718S**

Issuing Office: San Francisco District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: **The Port of San Francisco is authorized to dredge sediment from Pier 35 East and West; Pier 27; the Downtown Ferry Terminal; Islais Creek Approach, Outer Channel and Channel; Pier 80B; Pier 80C and Approach; and Piers 92, 94 and 96. A different amount of material will be dredged from different berths, as necessary, for a total of approximately 422,400 cubic yards (cys) of material over the life of the permit (five years). The depths will range from -20 feet mean lower low water (MLLW) at the Downtown Ferry Terminal to -40 feet MLLW in the Islais Creek area. All depths will have an additional 2-foot overdredge allowance. The material will be removed using a clamshell dredge and removed by barge to the Alcatraz Disposal Site (SF-11). Work shall be carried out in accordance with the attached drawings labeled "Port of San Francisco, San Francisco Port Commission, Department of Engineering", dated 30 April 1996, in 10 sheets.**

Project Location: San Francisco Waterfront, San Francisco, San Francisco County, California

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **November 30, 2002**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

**1. Prior to each dredge episode, the sediments-to-be-dredged will be sampled and tested for agency approval of aquatic disposal.**

**2. Dredging activities will occur outside of the sensitive Pacific herring spawning season, December 1 through March 1, or as determined by California Department of Fish and Game.**

**3. Overflow from barge loading is not allowed, with the exception of return water from self-propelled hopper dredge vessels, which shall be limited to 15 minutes per load.**

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

SPECIAL CONDITIONS TO PERMIT NUMBER 22718S

1. To provide notification to the maritime community of activities affecting navigation, the permittee shall provide in writing to the Commander (POW), 11th Coast Guard District, Bldg 50-6, Coast Guard Island, Alameda, California 94501-5100,(POC: LT JG Dawn Salisbury, Aids to Navigation Section, PH:510-437-2982, FAX: 510-437-5836), the following information at least two weeks before commencing work:

a. Name and telephone number of the project manager.

b. Size and placement of any floating construction equipment.

c. Radio telephone frequencies and call signs of any marine equipment.

d. Work start and completion dates.

2. The Coast Guard Captain of the Port (COTP) of San Francisco Bay may require modifications to marine construction equipment deployment or mooring systems to safeguard navigation while work is in progress. Upon receipt of the notification to start, the Coast Guard will send a copy of the permittee's letter to the COTP for review.

3. All vessels operated for disposal of dredged material are required to participate in the Coast Guard's Vessel Traffic Control Service (VTCS). Five minutes before each departure, the permittee shall notify the VTCS by radio, via Channel 13, of the following: The permit number; name of vessel; dump scow number or identification; time of departure from dredge site; time of arrival at disposal site; time of departure from disposal site; and time of return to dredge site.

4. When utilizing the Alcatraz Disposal Site (SF-11), the permittee shall dispose of all dredged material within a circular area of radius 1000 feet with center located at latitude 37°49'17"N; longitude 122°25'23"W. The specific location within the disposal area will be determined by the District Engineer upon receipt of the Dredging Operation Plan.

5. The permittee shall submit to Chief, Construction-Operations Division, ATTN: Regulatory Branch, U.S. Army Corps of Engineers, 333 Market Street, suite 812, San Francisco, California 94105-2197, the following reports for review and comment:

a. <u>Dredge Material Analysis</u>: Submit, for approval, no earlier than 60 days prior to proposed commencement of any authorized successive dredging episodes, dredge material analysis (Chemical and Physical), sampling and testing information. **Please include the Corps permit number and**

**dredge episode number with this submittal.** Also submit Regional Water Quality Control Board water quality certification or waiver for disposal of the material. For each dredging episode, the permittee shall obtain the approval of the District Engineer for formulating specific sediment testing procedures for the Dredge Material Analysis. The testing protocol will be in accordance with the testing protocol will be in accordance with the testing guidelines as published by the Corps in Public Notice 93-2 and subsequent amendments thereto.

b. Dredging Operation Plan: Submit, for approval by this office, no earlier than 60 calendar days and no later than 20 calendar days before the proposed commencement of dredging, a plan which includes the following: **Corps permit number, dredge episode number,** a copy of the dredging contract or description of the work under which the contractor will do the permitted work; name and telephone numbers of the dredging contractor's representative on site; dredging start and completion dates; names of vessel; dump scow numbers or identification; bin or barge capacities; identification of work as either maintenance dredging or new dredging; discussion of proposed dredging procedures, as governed under Special Condition No. 6, with detailed drawings or specifications of the grid or centrifugal pump system; quantity of material to be removed; dredging design depth and typical cross section including overdepth; and date of last dredging episode and design depth. The dredging Operational Plan shall also provide the following information:

1) The controls being established to insure that dredging operations occur within the limits defined by the channel dimensions and typical channel section. The horizontal and vertical positioning systems being utilized must be indicated as noted in No.3 below.

2) The controls being established to insure that disposal of the dredged material at the disposal site is at the assigned location and depth. The horizontal and vertical positioning systems being utilized must be indicated as noted in No.3 below.

3) Method of determining electronic positioning of dredge or dump scow during entire dredging operation at dredge site, disposal site and en route to and from disposal site.

**Please note that failure to provide all of the above information may result in delays to your project. When your dredge operation plan has been approved, you will receive a written authorization to commence with your project.**

c. Before Dredging Survey: Submit no earlier than 60 calendar days and no later than 20 calendar days before commencement of dredging, a survey with accuracy to one-tenth foot which delineates the following: areas to be dredged with overdepth allowances; existing depths; estimated quantities to be dredged for the project; and estimated quantities for overdepth. **All surveys shall be signed by the permittee to certify their accuracy. Please include the Corps permit number and dredge episode number.**

**Please note that failure to provide all the above information may result in delays to your project.**

d. Solid Debris Management Plan: Submit no earlier than 60 calendar days and no later than 20 calendar days before commencement of work, a plan which describes measures to ensure that solid debris generated during any authorized demolition or construction operation is retained and properly disposed of in areas not under Corps jurisdiction. At a minimum, the plan shall include the following: source and expected type of debris; debris retrieval method; **Corps permit number and dredge episode number;** disposal method and site; schedule of disposal operations; and debris containment method to be used, if floatable debris is involved.

**Please note that failure to provide all the above information may result in delays to your project.**

e. Disposal Site Verification Log (DSVL): Submit on a weekly basis by noon Monday, the attached log (pages 1 & 2) which enumerates work accomplished during the preceding week to Corps of Engineers, Regulatory Branch at the above address or FAX # (415) 977-8483, Attn: Mr. David Dwinell. The VTCs will issue a confirmation number to be included in the weekly log. **Please include the Corps permit number and dredge episode number.**

f. Overflow requirements:

1. During transportation from the dredging site to the disposal site, no material shall be permitted to overflow, leak or spill from barge, bins or dump scows.

2. During dredging operations, overflow shall be limited to a maximum of 15 minutes for hydraulic dredging. Adjustments to the dredging operation may be required to insure that once overflow commences, it will not exceed the 15 minute limit.

3. In approved sand dredging, overflow will not exceed 15 minutes or the economic load, whichever occurs first.

g. Post Dredging Survey: Submit, within 15 days of the last disposal activity (last is defined as that activity after which no further activity occurs for 15 calendar days), a survey with accuracy to one-tenth foot which delineates the areas dredged and the dredged depths. **Also, include the Corps permit number, dates of dredging commencement and completion, actual quantities dredged for the project, and actual quantities of overdepth.** The permittee shall substantiate the total quantity dredged by including calculations used to determine the volume difference (in cubic yards) between the Before and Post Dredging Surveys and explain any variation in quantities greater than 15% beyond estimated quantities. **All surveys shall be accomplished by a licensed surveyor and signed by the permittee to certify their accuracy.** A copy of the post dredge survey should be sent to the National Ocean Service for chart updating: NOAA/National Ocean Service, Map and Chart Branch, (Attention: N/CG2211), SSMC3, Room 6211, 1315 East-West Highway, Silver Spring, Maryland 20910.

6. The permittee shall ensure that all dredged material is slurried prior to disposal to prevent any accumulation or build up of material at the disposal site. All dredged material shall be slurried in one of the following manners:

a. Dredged material will be either pumped with a centrifugal pump prior to leaving the dredge site for the disposal site; or,

b. If the material is clamshell dredged, passed through a debris grid, with a maximum opening size of 12 inches by 12 inches which will cover the entire loading area of the dump scow. Everything that does not pass through the grid will be considered solid debris and shall be disposed of in areas outside of Corps jurisdiction. All such material shall be promptly removed from the grid at the end of each 8 hour shift or sooner.

7. **The permittee or dredge contractor shall inform this office when a dredge episode actually commences, is suspended (suspension is when the dredge contractor leaves the site for more than 48 hours for reasons other than equipment maintenance), is restarted and the actual date of completion. Each notification should include the Corps permit number and dredge episode number.** The information can be sent, to the attention of Mr. Rob Lawrence, in writing to the Corps of Engineers, Regulatory Branch, at the above address; FAXed to (415) 977-8343; or via telephone message at (415) 977-8447.

8. The permittee, as directed by the District Engineer under authority pursuant to the policies and procedures of 33 CFR 325.7, may be required to modify disposal schedules and/or monthly disposal quantities for particular dredging episodes.

9. The permittee shall allow the dredging area and equipment to

be inspected by the Corps staff upon request.

10. For each dredging episode, the permittee shall be responsible for obtaining a letter of water quality certification or waiver from the Regional Water Control Quality Board (RWQCB) and authorization from the Bay Conservation and Development Commission (BCDC). Water quality certification and BCDC authorization will be a prerequisite to the District Engineer's decision to approve or disapprove specific dredging episodes pursuant to the policies and procedures of 33 CFR 325.2(b)(1)(ii) and 325.2(b)(2)(ii).

11. For each dredging episode, the permittee shall provide a copy of the Dredge Material Analysis to the Environmental Protection Agency, Fish and Wildlife Service, National Marine Fisheries Service, and California Department of Fish and Game (DF&G) concurrent with the RWQCB and Corps' receipt of this information. Agency comments submitted to the Corps within 15 calendar days thereafter will be given full consideration in the decision on dredged material disposal.

12. If a land, ocean, or other aquatic disposal site becomes available for use during the five year permit period, the permittee shall evaluate these disposal alternatives, taking into consideration cost, existing technology, and logistics in light of the overall project purpose to facilitate compliance with the 404(b)(1) Guidelines. This evaluation shall be submitted to the Corps at least 60 calendar days before commencement of subsequent dredging episodes. The District Engineer, upon review of this information and after consultation with other resource agencies, may direct the permittee to use such sites in lieu of or in addition to the Alcatraz Disposal Site under authority of 33 CFR 325.7 and 40 CFR 230.10(a).

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Alexandra Lee — 10/28/97

(PERMITTEE) (DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

M. K. Boggs III For — 7 Nov 97

(DISTRICT ENGINEER) (DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE) (DATE)

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Francisco

On October 28, 1997 (Date) before me, Virna C. Wu, Notary Public (Name and Title of Officer (e.g., "Jane Doe, Notary Public"))

personally appeared Alexander Ka Ho Lee (Name(s) of Signer(s))

☒ personally known to me ~~OR~~ – ☒ proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

VIRNA C. WU
Comm. # 1042224
NOTARY PUBLIC - CALIFORNIA
City and County of San Francisco
My Comm. Expires Oct. 9, 1998

WITNESS my hand and official seal.

Signature of Notary Public

## OPTIONAL

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

### Description of Attached Document

Title or Type of Document: Department of the Army Permit: Permit No. 22718S

Document Date: None Number of Pages: 8 + (Exhibits 90

Signer(~~s~~) Other Than Named Above: None

### Capacity(~~ies~~) Claimed by Signer(~~s~~)

Signer's Name: Alexander Ka Ho Lee

☐ Individual
☐ Corporate Officer
Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☒ Other: Director, Facilities & Operations

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing:
Port of San Francisco

Signer's Name: _____

☐ Individual
☐ Corporate Officer
Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing:

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# PORT OF SAN FRANCISCO 60 MONTH MAINTENANCE DREDGING PLAN

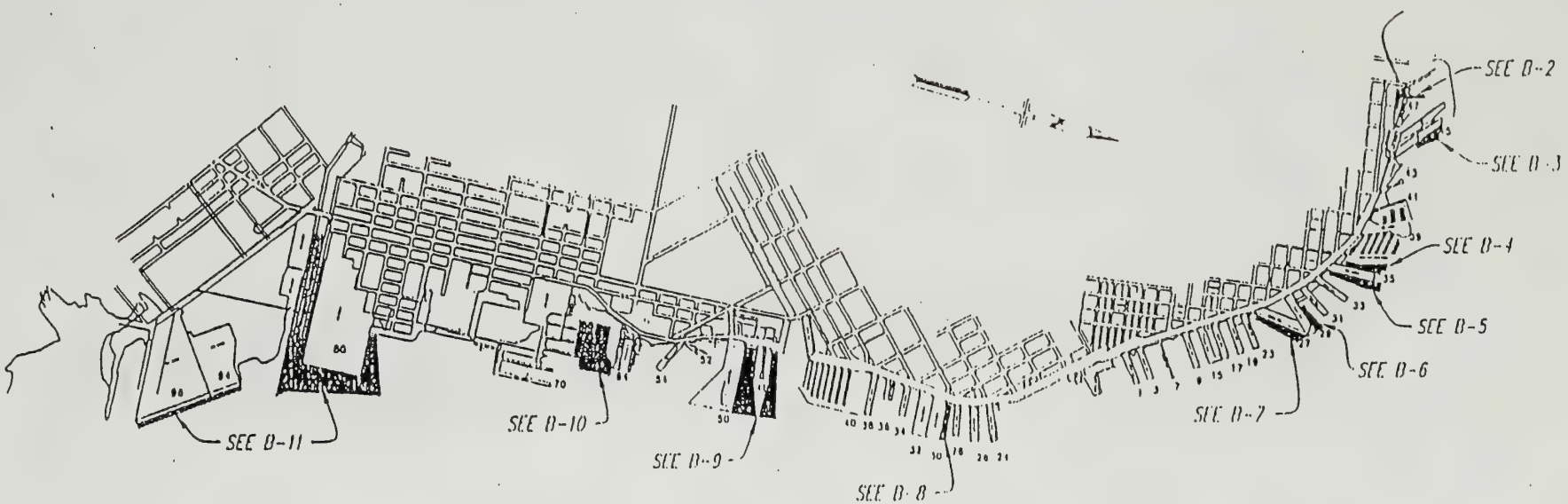
(FOR GENERAL PLANNING AND PERMITTING PURPOSES ONLY - NOT BUDGET OR CAPITAL PLANNING)

| FACILITY NAME | EXHIBIT DWG. NO. | BERTH WIDTH | BERTH LENGTH | FACILITY CODE | DREDGE DEPTH (M.L.L.W.) | DREDGE VOLUMES 96/97 Cu. Yds. | EPI-SODE | 97/98 Cu. Yds. | EPI-SODE | 98/99 Cu. Yds. | EPI-SODE | 99/00 Cu. Yds. | EPI-SODE | 00/01 Cu. Yds. | EPI-SODE |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Fishermans Wharf - West Approach | 2 | | | FWWAP | -20 ft. | | | | | | | | | | |
| Pier 45 East | 3 | 120 ft. | 600 ft. | 45E | -35 ft. | | | | | | | | | | |
| Pier 35 West | 4 | 120 ft. | 800 ft. | 35W | -30 ft. | | | 30,000 | 3 | | | 30,000 | 7 | | |
| Pier 35 East | 5 | 120 ft. | 1000 ft. | 35E | -35 ft. | | | 30,000 | 4 | 30,000 | 6 | 30,000 | 8 | 30,000 | 10 |
| Pier 29 | 6 | 120 ft. | 700 ft. | 29 | -35 ft. | | | | | | | | | | |
| Pier 27 | 7 | 120 ft. | 1100 ft. | 27 | -35 ft. | | | | | | | 15,000 | 7 | | |
| Downtown Ferry Terminal (4) | 8 | See Plan | See Plan | DTFT | -20 ft. | 20,000 | 2 | | | 6,000 | 6 | | | 10,000 | 10 |
| Pier 30 | 9 | 150 ft. | 800 ft. | 30 | -35 ft. | | | | | | | | | | |
| Pier 48A Approach | 10 | | | 48AAP | -35 ft. | | | | | | | | | | |
| Pier 48A | 10 | 125 ft. | 600 ft. | 48A | -35 ft. | | | | | | | | | | |
| Pier 48-50 Approach | 10 | | | 48B/50AP | -35 ft. | | | | | | | | | | |
| Pier 48B | 10 | 125 ft. | 600 ft. | 48B | -35 ft. | | | | | | | | | | |
| Pier 50A | 10 | 127 ft. | 850 ft. | 50A | -35 ft. | | | | | | | | | | |
| Pier 50C | 10 | 127 ft. | 860 ft. | 50C | -35 ft. | | | | | | | | | | |
| Central Basin | 11 | | | CB | -32 ft. | | | | | | | | | | |
| Islais Creek Approach | 12 | | | ICAP | -40 ft. | 18,000 | 2 | | | | | 18,000 | 8 | | |
| Islais Creek Channel Outer | 12 | | | ICCO | -40 ft. | 18,000 | 2 | | | | | 18,000 | 8 | | |
| Pier 80B | 12 | 125 ft. | 1335 ft. | 80B | -40 ft. | 4,400 | 2 | | | | | 4,400 | 8 | | |
| Islais Creek Channel | 12 | | | ICC | -40 ft. | 9,300 | 2 | | | | | 9,300 | 8 | | |
| Pier 92 | 12 | 100 ft. | 900 ft. | 92 | -35 ft. | 12,000 | 2 | | | | | 12,000 | 8 | | |
| Pier 90 | 12 | 100 ft. | 900 ft. | 90 | -40 ft. | | | | | | | | | | |
| 80C Approach | 12 | | | 80CAP | -40 ft. | 4,500 | 2 | | | | | 4,500 | 8 | | |
| Pier 80C | 12 | 125 ft. | 1300 ft. | 80C | -40 ft. | 13,500 | 2 | | | | | 13,500 | 8 | | |
| 80D Approach | 12 | | | 80DAP | -35 ft. | | | | | | | | | | |
| Pier 80D | 12 | 125 ft. | 950 ft. | 80D | -35 ft. | | | | | | | | | | |
| Pier 94 | 12 | 125 ft. | 716 ft. | 94 | -40 ft. | 12,000 | 2 | | | | | 4,000 | 8 | | |
| Pier 96 | 12 | 125 ft. | 1740 ft. | 96N/96S | -38 ft. | 18,000 | 2 | | | | | 4,000 | 8 | | |
| TOTAL PER YEAR | | | | | | 126,700 | | 60,000 | | 36,000 | | 169,700 | | 40,000 | |

NOTES:

1. Port's Fiscal Year is July 1st through June 30th. Episode 1 has been completed and is not shown on this Table.
2. All dredge materials are to be slurried or clamshell dredged, volumes are in-situ with 1 foot over dredge included.
3. ODD numbered episodes planned for July - November, EVEN numbered planned for March - June.
4. First episode not Maintenance Dredging

## Exhibit A




GRAPHIC SCALE

2500 0 1250 2500 5000 10000

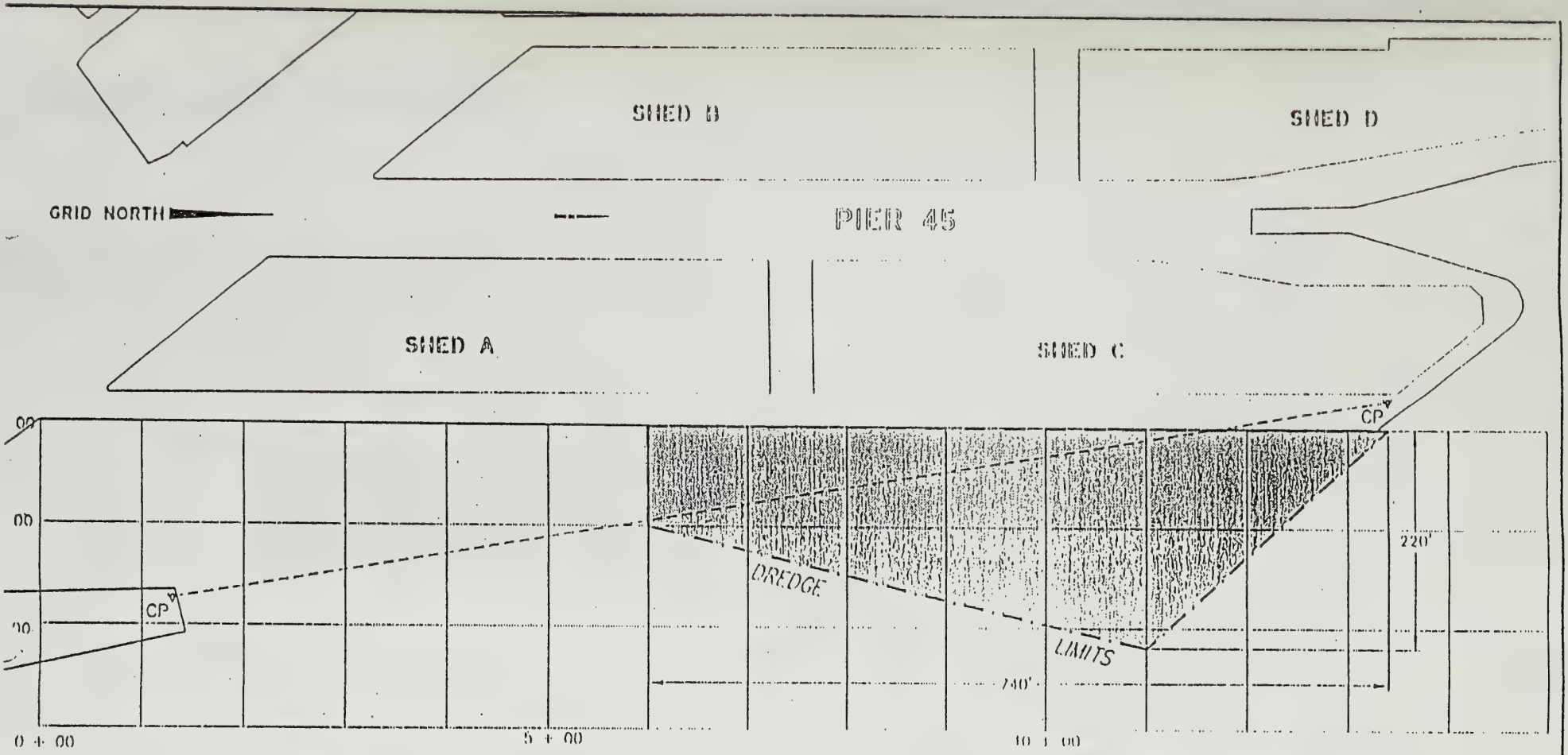
( IN FEET )

1 Inch = 2500ft.

SHADED AREAS DENOTE PROPOSED DREDGE SITES

| | | | | |
|---|---|---|---|---|
| )VED BY<br>RANCISCO PORT COMMISSION<br><br>CHIEF ENGINEER | SPECIFICATION NO. 2230<br><br>CONTRACT NO. 2620 | PORT OF SAN FRANCISCO<br>SAN FRANCISCO PORT COMMISSION<br>DEPARTMENT OF ENGINEERING | EXHIBIT D-1<br>KEY MAP<br>DREDGE LIMITS | IN CHARGE OF L. DYRNE<br>DRAWN BY A. NEWING<br>DATA FILES --<br>DRAWING NO EXCMAP95.DWG<br>DATE 30 APR 96<br>SCALE 1" = 2500' NO 1 OF 11 |

| | | | | |
|---|---|---|---|---|
| ROVED BY FRANCISCO PORT COMMISSION<br>E _____<br>CHIEF ENGINEER | SPECIFICATION NO. 2230<br>CONTRACT NO. 2620 | PORT OF SAN FRANCISCO<br>SAN FRANCISCO PORT COMMISSION<br>DEPARTMENT OF ENGINEERING | EXHIBIT B-2<br>FW WAP<br>DREDGE LIMITS | IC CHARGE DR: ED DYRNE<br>DRAWN BY: A. NEVLING<br>DATA FILES: --<br>DRAWING NO: MD-DEL1.DWG<br>DATE: 30 APR 96<br>SCALE: 1" = 60' ON 2 x 11 |



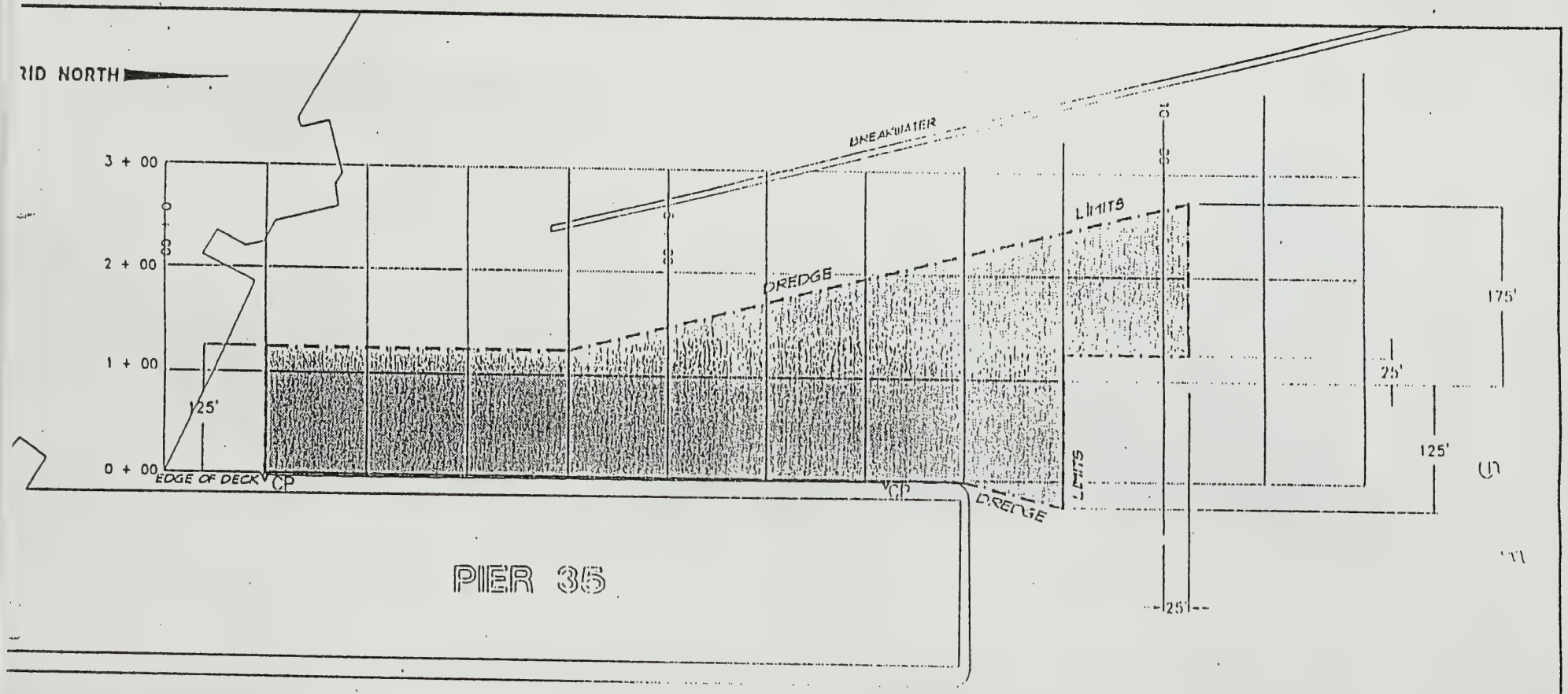

GRAPHIC SCALE

100 0 50 100 200 400

( IN FEET )
1 inch = 100 ft.

GRID BASED ON PIER 45 DECK LINE

| | | | | |
|---|---|---|---|---|
| OVED BY<br>RANCISCO PORT COMMISSION<br><br>CHIEF ENGINEER | SPECIFICATION NO. 2230<br><br>CONTRACT NO. 2620 | PORT OF SAN FRANCISCO<br>SAN FRANCISCO PORT COMMISSION<br>DEPARTMENT OF ENGINEERING | EXHIBIT B-3<br>PIER 45E<br>DREDGE LIMITS | VE CHECK BY: L. DORR<br>DRAWN BY: AUN<br>DATA FILE: --<br>DRAWING NO 150.45E<br>DATE: 30 APR 96<br>SCALE: 1" = 100' SHT 3 OF 11 |



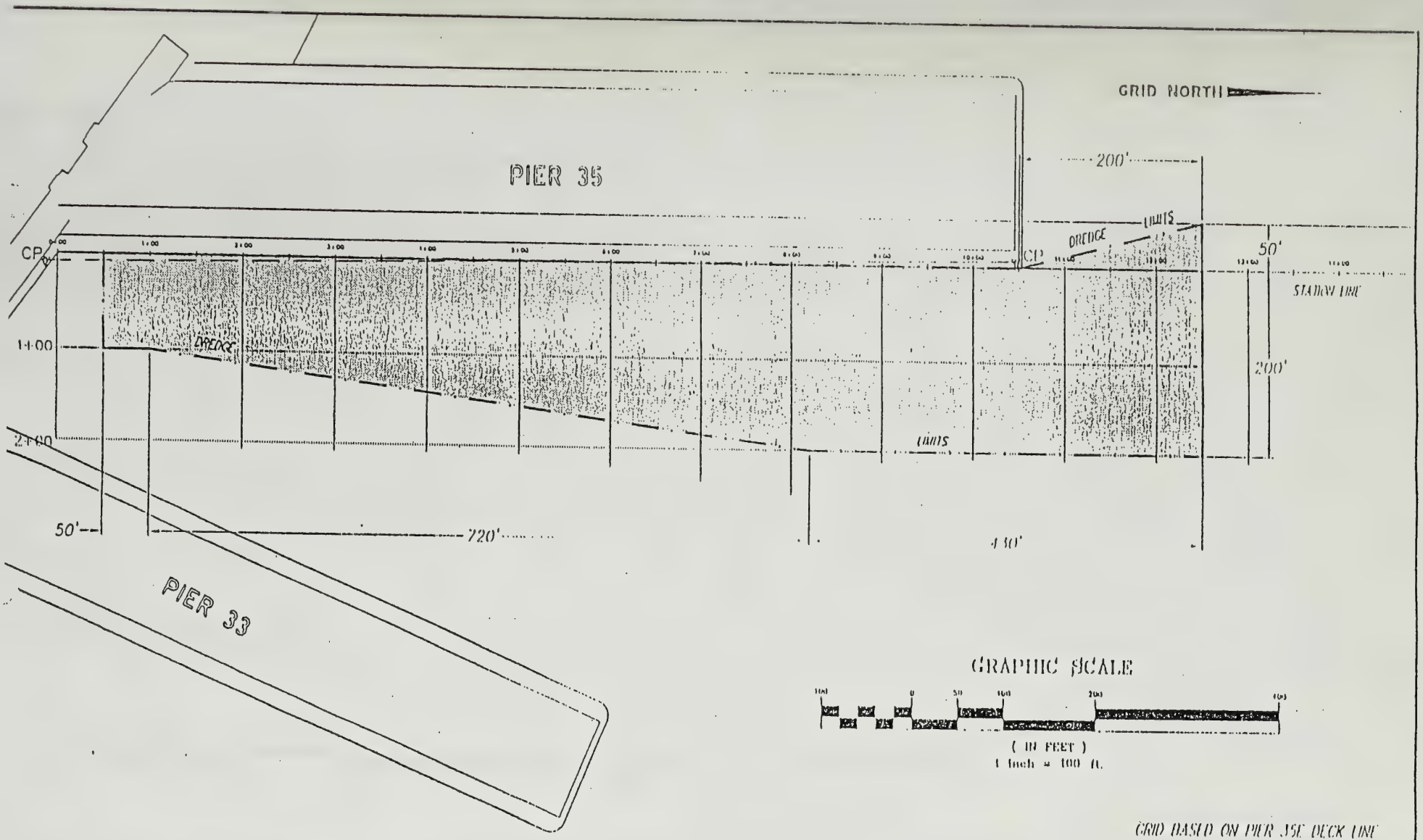

GRAPHIC SCALE

100 0 50 100 200 400

( IN FEET )
1 inch = 100 ft.

GRID BASED ON PIER 35W DECK LINE

| | | | | |
|---|---|---|---|---|
| OVED BY<br>FRANCISCO PORT COMMISSION<br><br>CHIEF ENGINEER | SPECIFICATION NO. 2230<br><br>CONTRACT NO. 2620 | PORT OF SAN FRANCISCO<br>SAN FRANCISCO PORT COMMISSION<br>DEPARTMENT OF ENGINEERING | EXHIBIT D-4<br>PIER 35W<br>DREDGE LIMITS | IN CHARGE OF: E. DYRNE<br>DRAWN BY: AKIN<br>DATA FILE: --<br>DRAWING NO: J50A5E<br>DATE: 30 APR 96<br>SCALE: 1" = 100' SHT 4 OF 11 |




GRID BASED ON PIER 35E DECK LINE

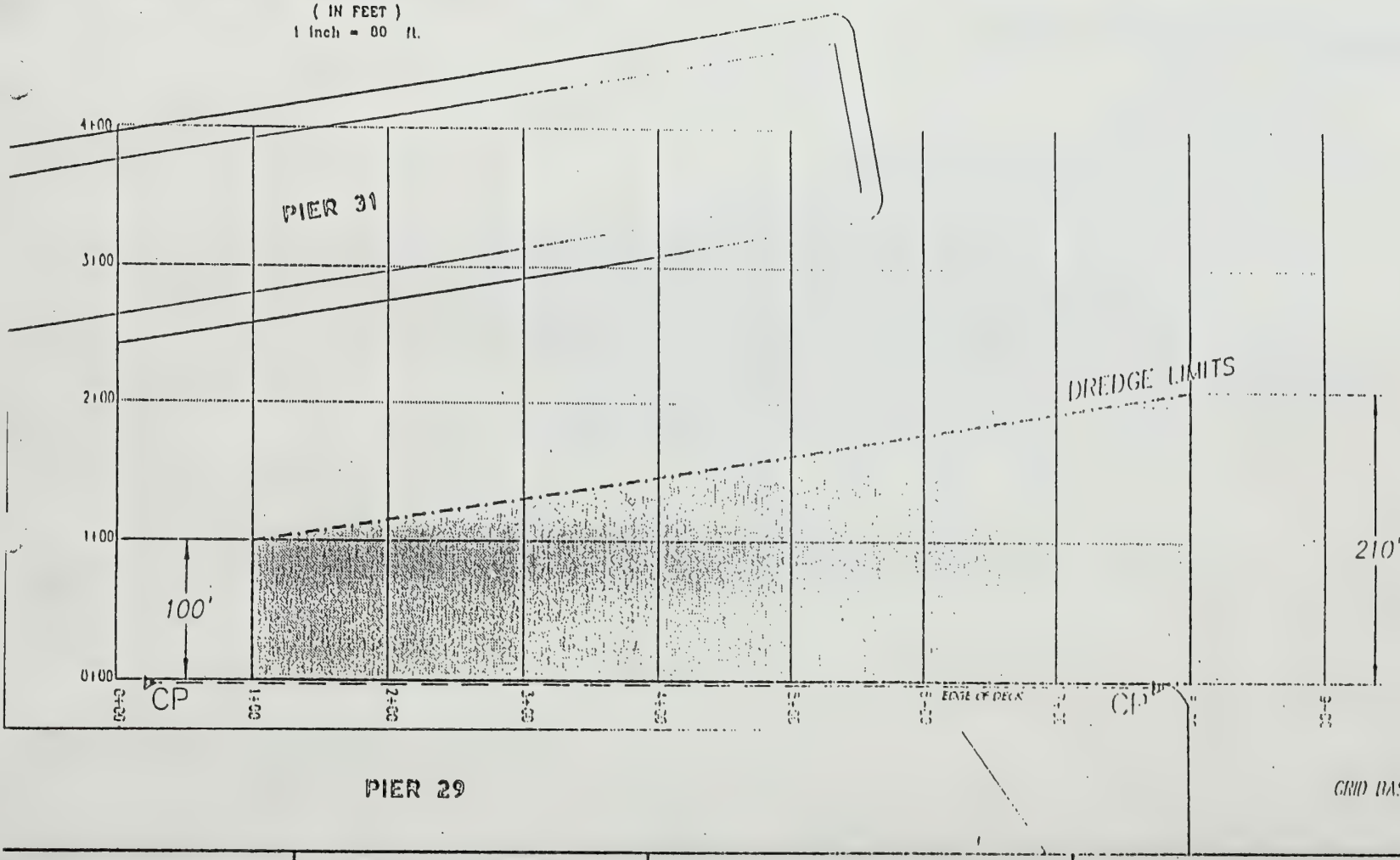
| | | | | |
|---|---|---|---|---|
| VED BY<br>RANCISCO PORT COMMISSION<br><br>CHIEF ENGINEER | SPECIFICATION NO. 2230<br><br>CONTRACT NO. 2620 | PORT OF SAN FRANCISCO<br>SAN FRANCISCO PORT COMMISSION<br>DEPARTMENT OF ENGINEERING | EXHIBIT B-5<br>PIER 35E<br>DREDGE LIMITS | IN CHARGE OF: L. BYRNE<br>DRAWN BY: AWH<br>DATA FILES: --<br>DRAWING NO: 35E045E<br>DATE: 30 APR 96<br>SCALE: 1" = 100' \| NO 5 OF 11 |

GRAPHIC SCALE

80 0 40 80 160 320

( IN FEET )
1 inch = 80 ft.

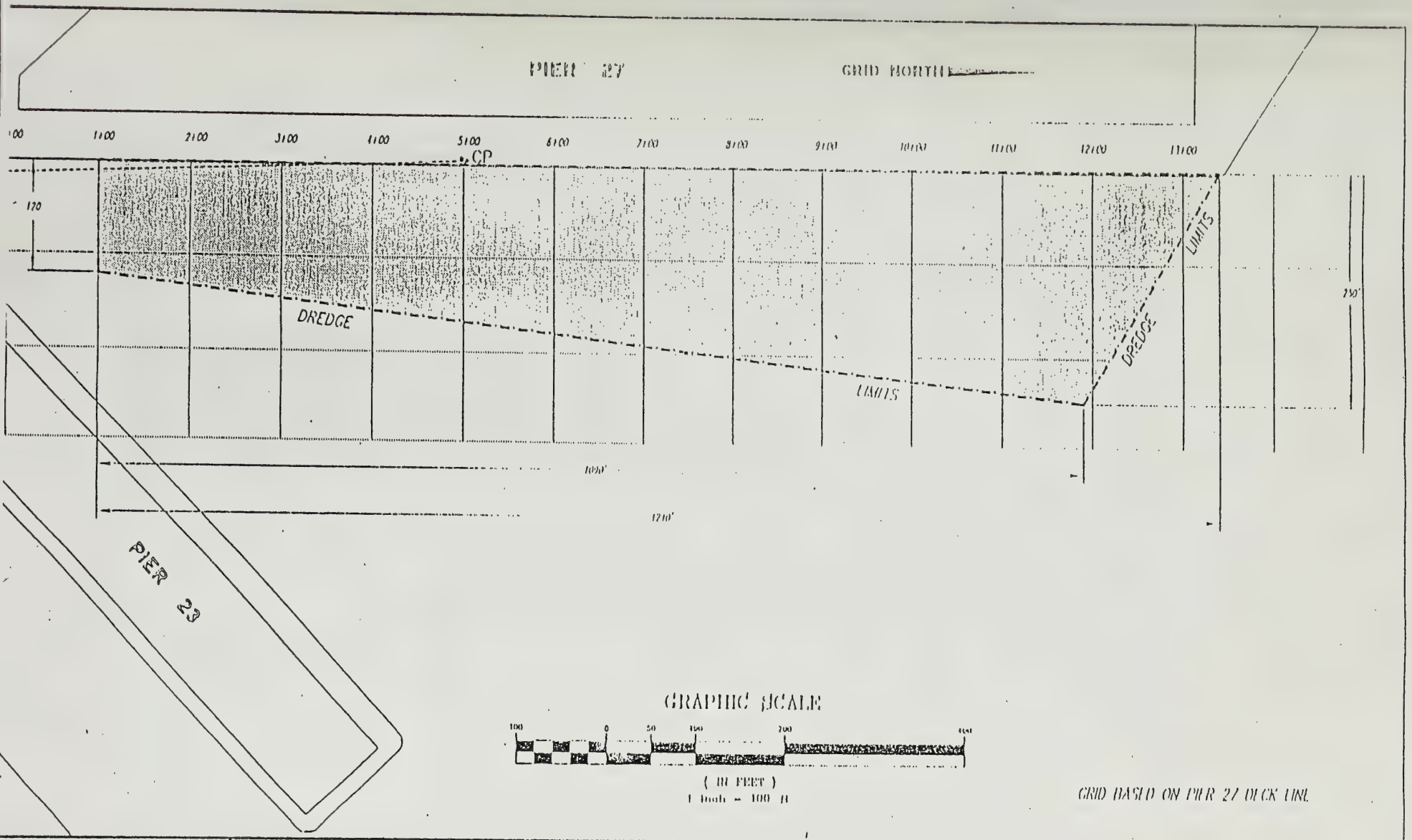
GRID NORTH



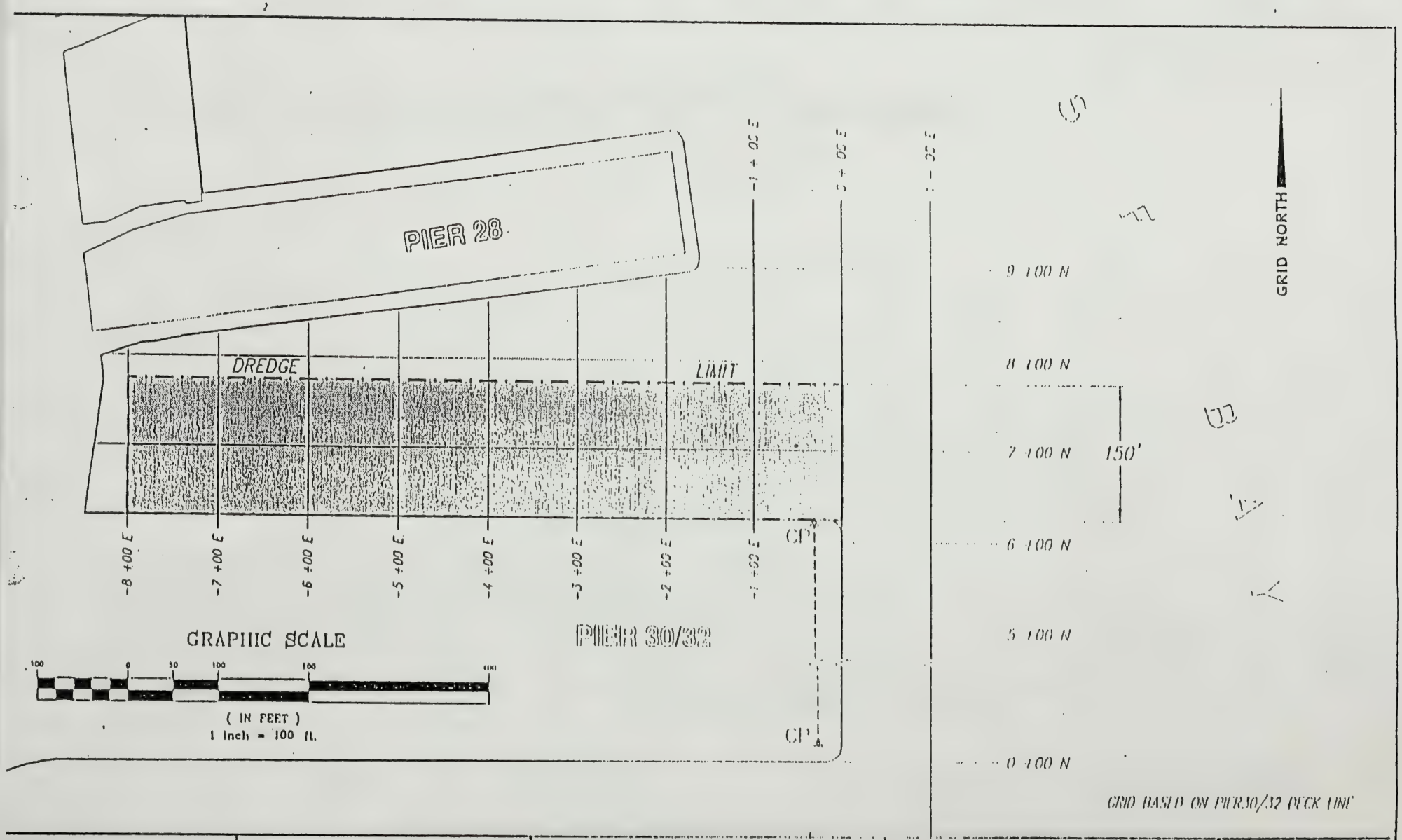

PIER 29

GRID BASED ON PIER 29 DECK LINE

| | | | |
|---|---|---|---|
| PROVED BY<br>N FRANCISCO PORT COMMISSION<br>TE _____<br>CHIEF ENGINEER | SPECIFICATION NO. 2230<br>CONTRACT NO. 2620 | PORT OF SAN FRANCISCO<br>SAN FRANCISCO PORT COMMISSION<br>DEPARTMENT OF ENGINEERING | EXHIBIT B-6<br>PIER 29<br>DREDGE LIMITS | IN CHARGE OF: E. WAYNE<br>DRAWN BY: A. KELLING<br>DATA FILES: ---<br>DRAWING NO: 29BASE<br>DATE: 30 APR 96<br>SCALE: 1" = 80' |




| | | | | |
|---|---|---|---|---|
| APPROVED BY<br>SAN FRANCISCO PORT COMMISSION<br><br>CHIEF ENGINEER | SPECIFICATION NO. 2230<br><br>CONTRACT NO. 2620 | PORT OF SAN FRANCISCO<br>SAN FRANCISCO PORT COMMISSION<br>DEPARTMENT OF ENGINEERING | EXHIBIT B-7<br>PIER 27<br>DREDGE LIMITS | DESIGNED BY: L. HAHN<br>DRAWN BY: AMH<br>DATA FILE:<br>DRAWING NO: 27DASC<br>DATE: 30 APR 96<br>SCALE: 1" = 100' \| SHT 2 OF 11 |

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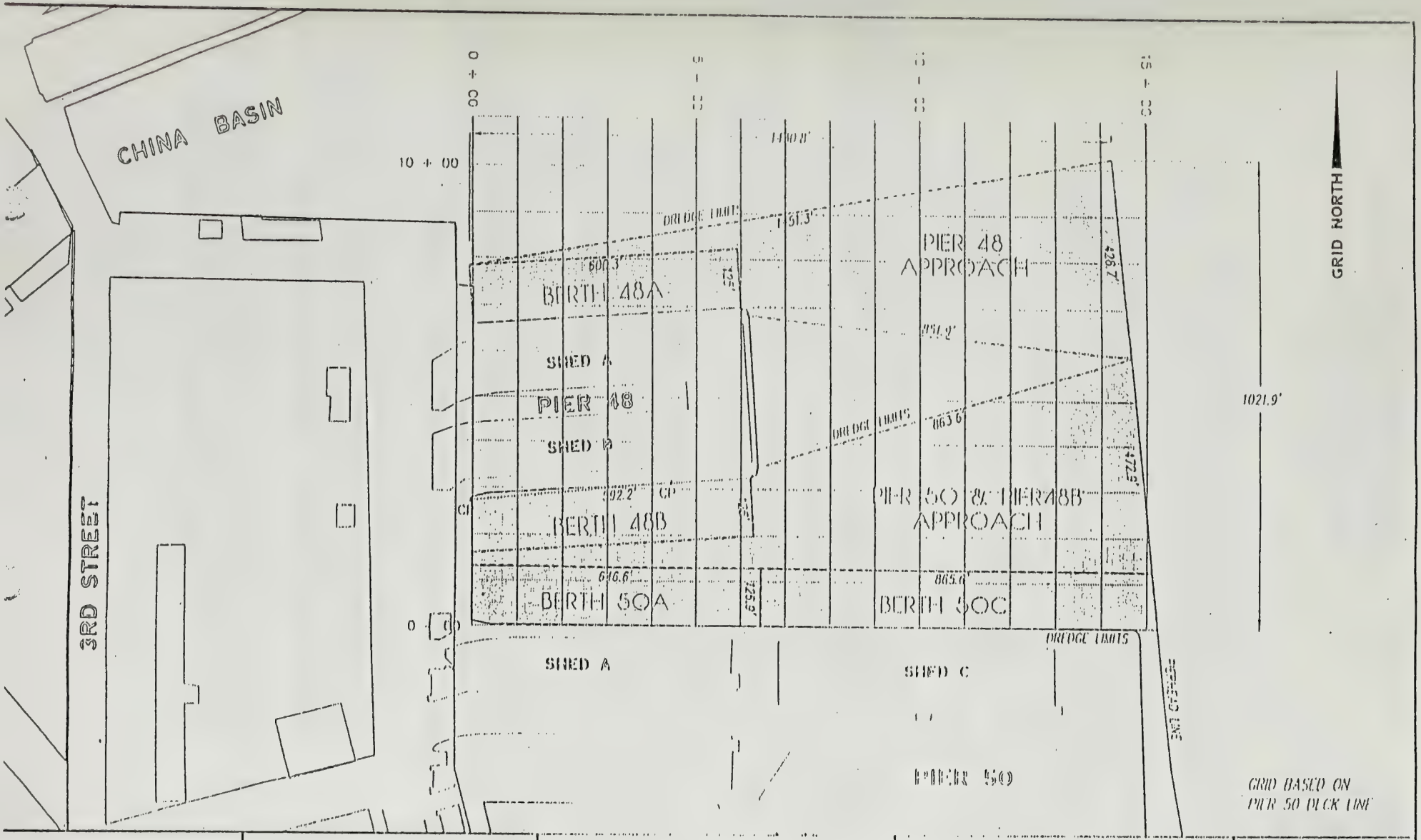


ROVED BY
FRANCISCO PORT COMMISSION

CHIEF ENGINEER

SPECIFICATION NO. 2230

CONTRACT NO. 2620

PORT OF SAN FRANCISCO
SAN FRANCISCO PORT COMMISSION
DEPARTMENT OF ENGINEERING

EXHIBIT D-9
PIER 48/50
DREDGE LIMITS

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| DRAWN BY: | L. WONG |
| CHECKED BY: | AMN |
| DATA FILES: | |
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| DATE: | 30 APR 96 |
| SCALE: 1" = 200' | SHEET 9 OF 11 |

DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, CORPS OF ENGINEERS
333 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94105-2197

OCT 1 8 2000

REPLY TO
ATTENTION OF:

Regulatory Branch (1145b)

SUBJECT: File Number 22718S: Maintenance Dredging - Episode 8

Ms. Carol Bach
Port of San Francisco
Ferry Building
San Francisco, California 94111

Dear Ms. Bach:

This refers to your submittal of September 21, 2000, (received by this office on September 29, 2000) requesting approval of your dredge operations plan for maintenance dredging of approximately 118,000 cubic yards (cys) of sediment from Pier 35 East and West at the Port of San Francisco, City and County of San Francisco, California.

According to your dredging plan, the Port intends to dredge and dispose in the following manner (volumes are approximate and include overdepth dredging):

Pier 35 East - 56,200 cys to SF-11 (Alcatraz Disposal Site);
8,500 cys to Winter Island; and
18,100 cys to Pier 94/96.
Pier 35 West - 32,400 cys to SF-11;
1,500 cys to Winter Island; and
600 cys to Pier 94/96.

Your operation plan has been reviewed and approved. With this letter you are hereby authorized to commence your maintenance dredging and subsequent disposal of dredged material at the Alcatraz Disposal Site, Winter Island and Pier 94/96 as per Corps of Engineers permit number 22718S (episode 8), with the following comments:

1. Submit weekly the disposal site verification log (enclosed). These can be faxed to Mr. David Dwinell at (415) 977-8495. This information is to be submitted to the Corps on the Monday following the dredge activity. **Please note that it is no longer necessary to obtain a confirmation number from the US Coast Guard.**

2. Submit weekly the dredge material disposal site summary (enclosed). These can be faxed to Mr. David Dwinell at (415) 977-8495. This information is to be submitted to the Corps on the Monday following the dredge activity.

3. Submit on Monday of each week the data disk from the electronic positioning data recorded from the previous week's work. This information should be addressed to Mr. David Dwinell, Operations and Readiness Division.

4. The location of the disposal of the dredged material shall be in quadrants A, B, and D of the Alcatraz Disposal Site (SF-11). Rotate disposal between the quadrants and drop the load in the approximate center of each quadrant. A map of the quadrants and their coordinates is attached for your reference.

5. You are limited to a total of 305,000 cubic yards per year. If you anticipate exceeding this quantity, please inform the undersigned.

6. Overflow requirements:

    a. During dredging operations: No overflow is allowed.

    b. Transportation from dredging site to disposal site: No material shall be permitted to overflow or spill from barge, bins or dump scows.

7. All conditions of your permit remain valid.

8. **The permittee or dredge contractor shall inform this office when a dredge episode actually commences, is suspended (suspension is when the dredge contractor leaves the dredge site for more than 48 hours for reasons other than equipment maintenance), is restarted and the actual date of completion. Each notification should include the Corps permit number and dredge episode number.** The information can be sent, to the attention of Mr. Rob Lawrence, in writing to the Corps of Engineers, Regulatory Branch, at the above address; FAXed to (415) 977-8483; by E-mail to rlawrence@spd.usace.army.mil or via telephone message at (415) 977-8447.

Should you have any questions regarding this matter, please contact Mr. Rob Lawrence of our Regulatory Branch at (415) 977-8447. If you wish to write, please address all correspondence to Mr. Rob Lawrence, Regulatory Branch and **refer to the file number at the head of this letter and include the dredge episode number.**

Sincerely,

Max R. Blodgett
Chief, Operations and
Readiness Division

Enclosures

Copies Furnished (without enclosures):

US EPA, San Francisco, CA (Kathleen Dadey)
US F&WS, Sacramento, CA (Mark Littlefield)
US NMFS, Santa Rosa, CA (Brian Mulvey)
CA F&G, Menlo Park, CA (Becky Ota)
CA BCDC, San Francisco, CA (Steve Goldbeck)
CA RWQCB, Oakland, CA (Glynnis Collins)
CA SLC, Sacramento, CA (Mary Howe)

DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, CORPS OF ENGINEERS
333 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94105-2197

OCT 19 2000

REPLY TO
ATTENTION OF:

Regulatory Branch

SUBJECT: Permit No. 22718S: Maintenance Dredging

# LETTER OF MODIFICATION

Ms. Carol Bach
Port of San Francisco
Ferry Building
San Francisco, California 94111

Dear Ms. Bach:

This is in response to your letter of September 8, 2000 (submitted by your consultant Ms. Bridgette DeShields of Harding ESE) seeking a modification of permit No. 22718S dated November 7, 1997 for an increase in the dredge footprint at Pier 35 East at the Port of San Francisco, City and County of San Francisco, California. The increased size is as shown on the drawing of Pier 35 East (entitled "Figure 1 - Pier 35 East Dredge Area," not dated) that was attached to your letter of September 8 and copied to this letter. Permit No. 22718S is hereby modified under the provisions of 33 CFR 325.7(b) to increase the dredge footprint at Pier 35 East as shown in the above-referenced drawing. The additional area is to be dredged to a requested design depth of -28 feet Mean Lower Low Water plus a two-foot allowance for overdepth dredging.

Except for the above modification, all terms and conditions of the original permit remain in effect.

Should you have any questions please call Mr. Rob Lawrence of our Regulatory Branch at (415) 977-8447. If you wish to write, please address all correspondence to Mr. Rob Lawrence, Regulatory Branch and refer to the file number at the head of this letter.

Sincerely,

Timothy S. O'Rourke
Lieutenant Colonel, Corps of Engineers
District Engineer

Enclosure

Copies Furnished:

US F&WS, Sacramento, CA Attn: Mark Littlefield
US EPA, San Francisco, CA Attn: Kathy Dadey
US NMFS, Santa Rosa, CA Attn: Brian Mulvey
BCDC, San Francisco, CA Attn: Steve Goldbeck
CA F&G, Menlo Park, CA Attn: Becky Ota
CA RWQCB, Oakland, CA Attn: Glynnis Collins
CA SLC, Sacramento, CA Attn: Mary Howe

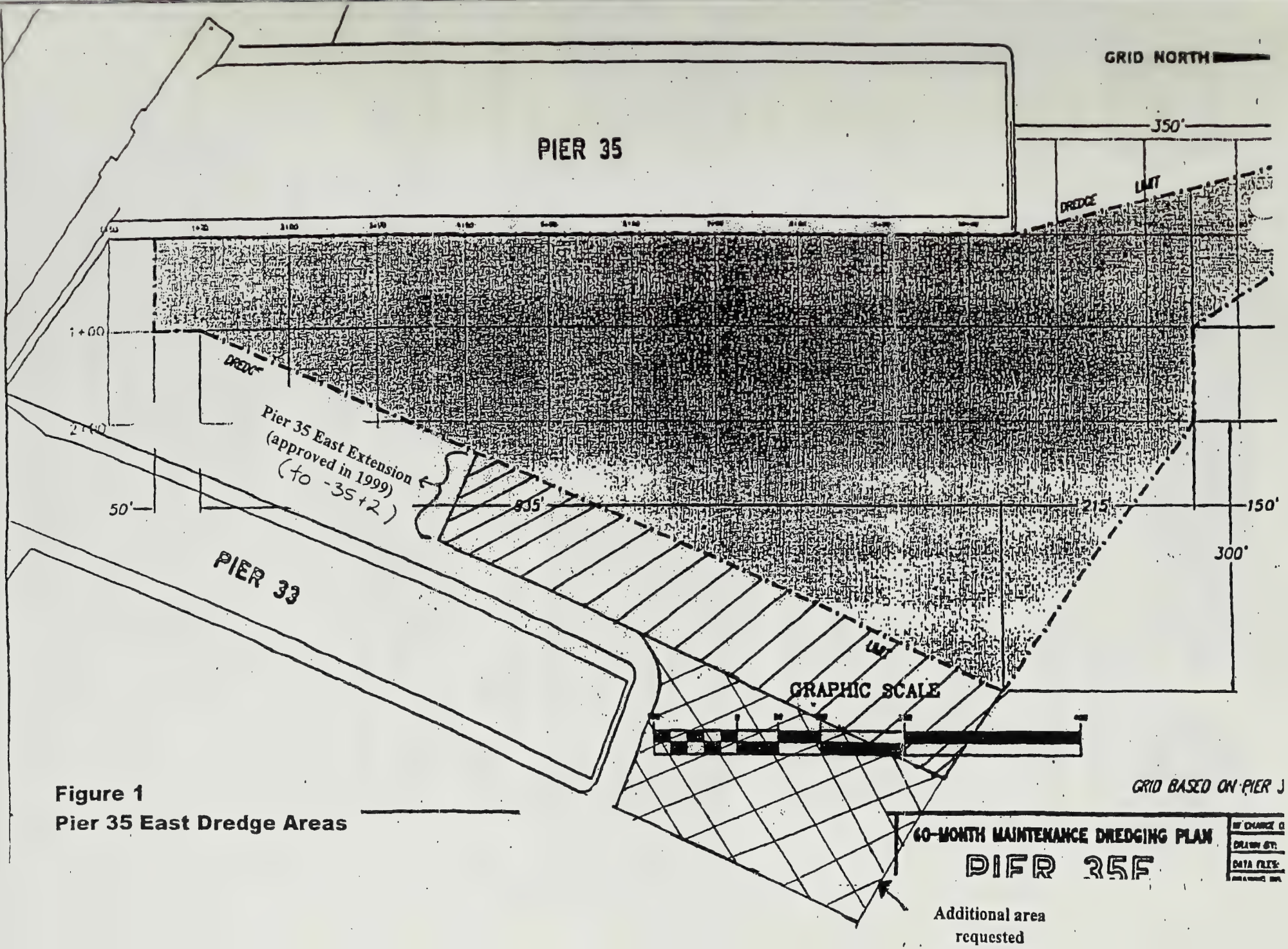


**Figure 1**
**Pier 35 East Dredge Areas**

DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, CORPS OF ENGINEERS
333 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94105-2197

REPLY TO
ATTENTION OF:

JAN 25 1999

Regulatory Branch

SUBJECT: Permit No. 22718S

# LETTER OF MODIFICATION

Ms. Roberta L. Schoenholz
Port of San Francisco
Ferry Building
San Francisco, California 94111

Dear Ms. Schoenholz:

This letter is in response to your letters of November 10, 1998 and January 5, 1999, seeking modifications of permit No. 22718S dated November 7, 1997. The first request is for an increase in volume of 62,000 cubic yards (cys) of material in order for the Corps permit to be consistent with an increase in volume given in BCDC's (San Francisco Bay Conservation and Development Commission) amendment number two to their permit number 2-97. The second request is for an additional 4,000 cys increase in volume in order to allow access for tug boats. Permit No. 22718S is hereby modified under the provisions of 33 CFR 325.7(b) to increase by 66,000 cys the volume allowed to be dredged from the Port facilities identified in the permit. The modified total should read 488,400 cubic yards.

Except for the above modification, all terms and conditions of the original permit remain in effect.

Should you have any questions please call Mr. Rob Lawrence of our Regulatory Branch at (415)977-8447. If you wish to write, please address all correspondence to Mr. Rob Lawrence, Regulatory Branch and refer to the file number at the head of this letter.

Sincerely,

Peter T. Grass
Lieutenant Colonel, Corps of Engineers
District Engineer

DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, CORPS OF ENGINEERS
333 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94105-2197

REPLY TO
ATTENTION OF:

Regulatory Branch

NOV 04 1998

SUBJECT: Permit No. 22718SB

# LETTER OF MODIFICATION

Ms. Roberta L. Schoenholz
Port of San Francisco
Ferry Building
San Francisco, California 94111

Dear Ms. Schoenholz:

This is in response to your letter of October 22, 1998, seeking a modification of permit No. 22718S dated November 7, 1997. Your request is to add Pier 80A to the list of piers to be maintained in the Port of San Francisco's (Port) maintenance dredging program. Due to an oversight at the Port, Pier 80A was not included in the schedule for maintenance dredging to be conducted during the life of this permit. Permit No. 22718S is hereby modified under the provisions of 33 CFR 325.7(b) to include Pier 80A.

Except for the above modification, all terms and conditions of the original permit remain in effect.

Sincerely,

Peter T. Grass
Lieutenant Colonel, Corps of Engineers
District Engineer

Copies Furnished:

US F&WS, Sacramento, CA (Mark Littlefield)
US EPA, San Francisco, CA (Brian Ross)
US NMFS, Santa Rosa, CA (Chris Mobley)
CA BCDC, Permit No. 2-97, San Francisco, CA (Glynnis Collins)
CA F&G, Menlo Park, CA (Becky Ota)
CA RWCQB, Oakland, CA (Jack Gregg)
CA SLC, Sacramento, CA (Mary Howe)

# APPENDIX F

## ADOPTED 1997 WATERFRONT PLAN FEIR MITIGATION MEASURES

# Exhibit A

## MITIGATION MEASURES AS ADOPTED BY PORT COMMISSION

**Transportation**

D-1 (Modified from FEIR)

To maintain an acceptable level of service at the intersection of Bay Street and the Embarcadero during the weekday P.M. peak hours, the Port Commission will recommend the provision of a right turn arrow for the Bay Street approach to the intersection when a traffic study demonstrates that a Port project contributes traffic to this intersection such that the right turn movement from Bay Street onto the Embarcadero operates at an unacceptable level of service during the weekday P.M. peak hour. Otherwise, the Port will authorize the described improvements when the Department of Parking and Traffic determines that they are necessary.

D-2 (Modified from FEIR)

To maintain an acceptable level of service at the intersection of Bay Street and the Embarcadero during the weekday P.M. peak hour and during the Saturday midday peak hour, the Port Commission will recommend the provision of a right turn arrow for the Bay Street approach to the intersection eastbound when a traffic study demonstrates that a Port project contributes traffic to this intersection such that the right turn movement from Bay Street onto the Embarcadero operates at an unacceptable level of service. Otherwise, the Port will authorize the described improvements when the Department of Parking and Traffic determines that they are necessary.

D-3 (Modified from FEIR)

To maintain an acceptable level of service at the intersection of North Point Street and the Embarcadero during the weekday P.M. peak hour, the Port Commission will recommend the provision of a right turn pocket, by removing two to three parking spaces and removing the red zone along the southern edge of North Point Street approaching the intersection, when a traffic study demonstrates that a Port project would contribute traffic to this intersection such that the right turn movement operates at an unacceptable level of service. Otherwise, the Port will authorize the described improvements when the Department of Parking and Traffic determines that they are necessary.

D-4 (Modified from the FEIR)

As part of the required environmental review for each project, the Port will comply with the Office of Environmental Review's requests for information including, if appropriate, requiring an analysis of intersection level of service for existing and future conditions at intersections which

may reasonably be expected to be affected by that development, and require identification and implementation of appropriate mitigation measures.

D-6c (Modified from the FEIR)

The San Francisco half-cent sales tax for transportation expires in the year 2009. The Transportation Expenditure Plan establishes a prioritized list of specific projects for use of these funds. It is possible, if not likely, that the San Francisco County Transportation authority, which administers the sales tax funds, may seek reauthorization of the sales tax prior to its expiration. A new Transportation Expenditure Plan would need to be prepared to support such reauthorization. The Port will actively support identification of specific transit improvements along the waterfront that serve the Project Area, including commuter ferries and water taxis, which could help mitigate unmet transit demand identified in this EIR as a component of this Expenditure Plan.

D-7 (Modified from the FEIR)

To help induce shifts from vehicles to transit and thereby partially mitigate local intersection impacts and regional highway impacts, the Port will require and/or institute Transportation Demand Management Programs among developers of major trip generators.

Such programs typically target primarily commute trips, with various educational, assistance and incentives measures to encourage carpooling and vanpooling, and transit use. These measures may be accompanied by such "disincentives" to low-occupant private vehicle use as restricting the amounts and/or location of parking made available to employees, and charging higher fees for all-day parking. Also typical are measures designed to shift time of commute travel to the "shoulders" of the peak, and/or to encourage less trip making through alternative work schedules and telecommuting. The effectiveness of these programs is variable, but they are most appropriate and effective when there are substantial constraints to vehicular travel, circulation and storage coupled with suitable options such as excellent transit accessibility. San Francisco, in general, and its downtown and portions of the waterfront in particular, exhibit this combination of factors.

The Port will also implement similar programs which would target non-commute travel. An example of the type of measure which might be included in the issuance of discount admission to some uses, or reductions in the price of services and/or merchandise, upon presentation of a valid transit transfer or other proof of transit use payment. The Academy of Sciences in Golden Gate Park has instituted such a program, and the Pier 39 aquarium (Underwater World) also has a requirement to conduct such a program. Additionally, a free shuttle along The Embarcadero could be a part of this type of program, and would help alleviate local auto congestion.

The ability of the Port to mandate some types of Transportation Demand Management programs may be limited by the recent enactment by the State of California of SB437. This legislation prohibits any public entity from requiring employer-based trip reduction programs. The types of

programs and measures described above are included in the definition of employer-based trip reduction. Under the legislation, voluntary efforts on the part of individual employers is allowed. The legislation may be interpreted such that negotiated Development Agreements, or other types of agreements negotiated between a project sponsor and a regulatory or permitting agency, including a commitment to implement such programs, constitutes a voluntary action on the part of the employer/project sponsor.

Air Quality

F-1 (Modified from the FEIR)

Construction contractors will be required by the Port to implement a dust abatement program to reduce the contribution of project construction to local PM10 concentrations. Elements of this program should include the following:

- Apply water over portions of the site in a manner that is consistent with the statewide Storm water Discharge Permit for Construction or other required agency approvals, as follows:

  - Water internal roadways on unpaved lots under construction just prior to the morning and evening peak traffic periods (to limit the potential for major roadway traffic to entrain dust), limit speeds to 10 mph, and sweep paved internal roads after the evening peak period.

  - In addition, water active sites (e.g. where major earthwork is underway) as appropriate. Increase the frequency of watering when wind speeds exceed 15 miles per hour. Suspend all excavating and grading operation when instantaneous gusts exceed 25 miles per hour.

  - Enclose, cover, water twice daily, or apply soil binders to exposed stockpiles of sand, gravel, and dirt.

- Replace ground cover in disturbed areas as quickly as possible

- Sweep adjacent City streets at the end of day if any visible soil material is carried over to adjacent thoroughfares.

- Designate a person or persons to oversee the implementation of a comprehensive dust control program and to increase watering, as necessary.

F-2 (As proposed in the FEIR)

Measures to reduce vehicle trips would also help to improve air quality. See Section VI.D.

Mitigation Measures, Transportation, p. 644. The Port will adopt measures to reduce vehicle trips to improve air quality. However, it is unlikely that these measures would result in trip reductions that would reduce emissions of criteria air pollutants such that no criteria air pollutants would exceed the Bay Area Air Quality Management District significance thresholds.

F-3 (As proposed in the FEIR)

Federal and State authorities (the U.S. Environmental Protection Agency and California Air Resources Board, respectively) are considering establishment of emissions standards for new marine engines that could ultimately limit or reduce emissions from marine vessels. However, there are no feasible mitigation measures for marine vessel emissions that are within the jurisdiction of local or regional agencies such as the Port or the Bay Conservation and Development Commission.

**Visual Quality and Urban Design**

G-1 (Modified from the FEIR)

To retain, replace and/or expand visual access to resources of high visual quality, the Port Commission will incorporate policies and development standards in its *Waterfront Design and Access Element* that define and improve important visual and urban design qualities including public access areas and specified historic structures along the Port waterfront. The *Design & Access Element* includes design criteria for different property types (seawall lots, bulkhead sites and piers, including pier sheds) and site specific design criteria for individual sites which are organized into six subareas. The Port Commission, and the Planning Commission, for projects requiring Conditional Use Authorization, will adopt specific findings regarding a project's consistency with the *Waterfront Land Use Plan* and its *Design & Access Element*, as further amended to include conclusions of future preservation planning and special studies. Other significant projects located in Special Use Districts #1 and #3 will incorporate design recommendations developed through a proposed waterfront design review process.

G-2 (Modified from the FEIR)

The Port will consider visual quality objectives early in the development of proposed projects, evaluate projects against the standards developed above, and ensure that project approvals are consistent with the adopted standards.

Because development projects that thoughtfully consider visually prominent resources early in their planning process would be less likely to result in obstruction of resources, the Port will develop and adopt a policy or regulation that encourages and supports such early consideration and that requires projects to be consistent with the urban design guidelines described above. The policy will be adopted separately or will be incorporated into the WLUP.

The Port Commission will consider approval of the following two edits to the *Waterfront Land Use Plan* (WLUP) which would document this commitment: 1) The project implementation flow chart in Chapter 5 of the WLUP will be modified to indicate that project feasibility issues, including "urban design guidelines applicable to the site and vicinity as outlined in the *Waterfront Design & Access Element* will be considered during the 2nd stage of the Waterfront Plan Implementation Process, and 2) Implementation recommendation (3) on page 175 of the WLUP will be revised as follows: "Urban design policies and design guidelines set forth in the *Waterfront Design & Access Element* will be considered in identifying development concepts and will be reflected in the specifications included in the request for proposals. All approval actions by the Port Commission will include findings regarding a project's consistency with the *Waterfront Land Use Plan*, including the *Design & Access Element*, as further amended to include conclusions of future preservation planning and special studies."

G-3 (Modified from the FEIR)

The Port will add policy language or development standards to the *Waterfront Design and Access Element* that will address adverse effects related to shadow and wind impacts on designated public access areas and vantage points within areas that have height limits above 40-feet.

For sites that have height limits above 40-feet, the *Waterfront Design and Access Element* will consider shadow and wind impacts on urban design resources and the visual quality experiences within areas of public access. (No adverse effects from shadow or wind are expected from buildings under 40-feet in height.) Design policies will discourage excessive winds and shadows that would be cast on areas of public access and public vantage points with views of visually prominent resources. The Port will also incorporate standards from Section 148, Reduction of Ground Level Wind Currents in C-3 Districts into the *Waterfront Design and Access Element* for the parcels that have height limits over 40-feet.

<u>Biological Resources</u>

H-1 (Modified from the FEIR)

The Port will limit dredging operations and pier repair/replacement to between March 1 and November 30 to eliminate any potentially significant impacts of dredging or pier repair/replacement on the Pacific herring fishery. In exceptional cases where dredging operations or major pier repair/replacement operations (beyond routine maintenance) must conflict with the herring season, the Port will obtain permission from the permitting agencies, including but not necessarily limited to the U.S. Army Corps of Engineers, Bay Conservation and Development Commission, State Department of Fish and Game, and Regional Water Quality Control Board. The Port will comply with specific monitoring requirements established by these and other agencies to avoid impacts on the herring fishery.

H-2 (As proposed in the FEIR)

Prior to demolition or renovation of any abandoned building between August 15 and October 15, or between February 1 and May 1, survey(s) will be conducted by a qualified bat biologist. If no Townsend's western big-eared bats are found during the survey(s), no additional mitigation is required.

If Townsend's western big-eared bat, a California Species of Special Concern, is found during an August-October survey, appropriate exclusion devices approved by CDFG & USFWS will be installed by a qualified bat biologist. Once the bats have been excluded, demolition may occur.

If Townsend's western big-eared bats are found during a February-May survey, demolition should not take place until the end of the nursery season in August. Exclusion devices should be placed by a qualified bat biologist in accordance with CDFG and USFWS.

**Geology, Soils and Seismicity**

I-1 (Modified from the FEIR)

A geotechnical investigation will be conducted under the direction of a Geotechnical Engineer prior to permitting any new construction or reuse of an existing structure for new uses that increase the load of the structure so as to trigger the requirements of Section 3403.6 of the San Francisco Building Code. The geotechnical investigation will be performed to evaluate subsurface conditions and existing foundation conditions at the site. The geotechnical investigation will evaluate the potential hazards such as settlement, ground shaking, ground rupture, liquefaction, subsidence, slope stability, and lateral spreading. Recommendations will be made to a structural engineer regarding mitigation of geologic hazards, if appropriate. A geotechnical report will be prepared and made available to the project structural engineer of record for the purposes of establishing the design of new foundations, upgrading of existing foundations and seismic design.

I-2 (As proposed in the FEIR)

All open sub-grade structures and pits, whether temporary or permanent, will be provided with protection against damage resulting from adjustment to buoyant and lateral deforming soils.

All construction and design of such projects will provide specific measures to prevent hazards to people and damage to proposed or nearby structures that could result from these adjustments. In some cases, a specific geotechnical investigation may be required for permanent open sub-grade structures and open underground structures.

I-3a (Modified from the FEIR)

Prior to any construction that would require dewatering, the project applicant will submit and the

Port will review a dewatering and excavation plan and an analysis of potential impact to adjacent properties to determine whether the potential exists to damage off-site property. The dewatering plan will include an evaluation of ground water quality, potential impacts on groundwater flow patterns, and groundwater disposal. The plan will be reviewed by the Port and other regulatory agencies as appropriate to the project and site conditions.

As a standard practice, the Port will require an application package that will indicate the amount of dewatering and the period over which dewatering may be required. The package will include a survey of adjacent structures with information concerning their age, foundation type, construction type, status as a historic landmark or structure of special significance, and record of any existing damage. The package should also identify adjacent City streets and the location of buried infrastructure. In addition, the application will indicate any specific mitigation measures incorporated into the project to minimize measures incorporated into the project to minimize hazards to structures.

I-3b (As proposed in the FEIR)

To minimize dewatering hazards, construction projects will provide shoring of all excavation pit walls, and provide supports to adjacent structures, including foundation support if needed.

I-3c (As modified from the FEIR)

All applicants for construction projects involving dewatering (as well as vibration-inducing pile driving) will post a surety bond or other financial assurance to cover the costs of potential damage to off-site property from construction. (The bond is included in this EIR as a mitigation measure because of the uncertainty that other mitigation measures would protect off-site property from damage. If needed, the bond would be used to repair off-site damage and thus mitigate that impact.) The amount of the bond will be determined by the Port.

I-3d (Modified from the FEIR)

Prior to any construction that would require dewatering or pile driving, the Port or Project Sponsor will notify all property owners within 200 feet of the proposed construction activity at least 30 days prior to the date of initiating demolition or excavation, whichever is the first activity to occur. The Port will provide an opportunity for all property owners to comment on the construction activity and allow them the opportunity to have their property photo-documented for its pre-construction condition. The Port is responsible for inspection of construction activities and should note any observations of proven or suspected subsidence damage on the site and at adjacent sites. This measure would allow adjacent property owners to document the condition of their property prior to initiation of an activity that could result in damage. If damage does occur, the measure would help to identify the extent of the damage caused by construction within the Project Area.

I-4 (As proposed in the FEIR)

For impacts from pile driving, the Port and project sponsors will implement Measures I-3a through I-3d.

I-5 (Modified from FEIR)

Proposed new dredging activities (deeper than the designed depth or in different locations than ongoing maintenance dredging) will be reviewed by an engineering geologist to assess potential hazards to Port facilities. Dredging programs in areas with a past history or high potential for lateral movements of Bay Mud should be designed to hold a slope without readjustment or slippage. (This measure would apply to suction and clamshell dredging.)

To minimize slope failure in the Bay sediments, dredged cuts will be properly designed and dredged, as recommended by the engineering geologist. Typically, subestuarine slopes in soft Bay sediments are cut at 3:1 to 6:1 (horizontal to vertical ratio).

I-6 (As modified from the FEIR)

If demolition is not immediately followed by redevelopment, the Port will carry out or require effective measures that leave the site of all demolished buildings in a condition that will not pose a life safety hazard or potential to damage adjacent properties.

Such measures will include removal and/or proper sealing of pipes (including water, gas, and sewer lines), establishment of effective shoring or construction of retaining walls for unstable pit walls, filling of basements that create hazardous conditions, removal of hazardous substances, and other measures as deemed appropriate at a specific site, such as fencing. The Port will be responsible for vacant lands that may include the hazards identified in Section V.I., Geology, Soils and Seismicity, (Hazards from Demolition), pp. 567-568. The above measures are minimum requirements to ensure that hazards would be held at acceptable levels until such time as land development could occur. The Port will be responsible for carrying out the mitigation or overseeing compliance with it.

I-7a (As proposed in the FEIR)

New high-occupancy mid-rise structures (i.e., on the order of 6 to 15 stories) in the Project Area will be designed with the aid of a dynamic method analysis. The Port will consider establishing specific building design criteria developed by a task force of structural engineers to determine which types of structures (considering framing system, foundation, height and massing) should be designed using a dynamic method analysis and adopt this requirement as a Waterfront Land Use Plan policy.

The severe ground shaking hazards of Port lands indicate that large structures (including high-

occupancy mid-rise structures) should be designed to meet seismic resistance standards greater than the minimum standards in the UBC. The UBC does not require this except for certain buildings (none of which are specifically identified in the Waterfront Land Use Plan, although the Ferry Terminal is being designed as an "essential structure," to more stringent earthquake force design requirements. Fire and police stations, hospitals and schools also would be essential structures). Currently, the best available method for achieving this end is the use of a dynamic method analysis for the design of the buildings. This method incorporates a consideration of the response of the site soils to earthquakes generated in the region. For each building, the site response spectra are modeled and incorporated into the structural design. As noted in the Setting (Section IV.I., Geology, Soils and Seismicity, p. 262), the entire Project Area should be considered part of a "special studies zone" in which the severe earthquake hazards of ground shaking and secondary effects are evaluated and incorporated into structural designs. Use of a dynamic method analysis substantially enhances the chances that the new building would be more resistant to collapse and damage from a major earthquake than if it meets only the minimum UBC requirements. The higher costs associated with using the method and applying it in design and construction likely are significantly less than those that would result from a building being red-tagged or required to undergo substantial repair following a major earthquake.

I-7b (As proposed in FEIR)

To minimize seismic hazards to building occupants from non-structural damage, the Port will require all Port facilities and tenants to carry out the following measures at a minimum: heavy objects should be attached to secure walls and floors, and light, loose objects should be placed to minimize their potential to move or overturn; large storage containers should not be loosely stacked, and those stored on shelves should have appropriate restraints or other means to prevent them from tipping or sliding off the shelves.

Heavy objects like freezers, boilers, chillers, laboratory equipment, battery racks and electrical transformers, heavy storage cabinets, tanks, safes, oversize file cabinets, etc., should be firmly secured to floors and walls to prevent their falling or sliding. All equipment using natural gas should be anchored. Care should be taken to avoid placement of such objects where they could topple or move and block exit doors.

I-7c (As modified from the FEIR)

Because of the large number of employees and visitors in some facilities potentially on-site in an earthquake and the likelihood that the facilities will be needed to supply emergency response services, high-occupancy facilities that are suitable to supply emergency response services will be required to store emergency response supplies and equipment on-site for a 72-hour reserve.

It is likely that emergency response systems in San Francisco and in the Bay Area as a whole would be overloaded in the immediate aftermath of a large earthquake. Because of the large population that may be present in the Project Area in an earthquake (especially under Alternatives

A and B), it likely would be necessary for offices, hotels, industrial facilities and residents to be relatively self-sufficient for a period of a day or two until supply systems can be restored. Observations from large earthquakes, such as Mexico City in 1985 and Kobe in 1995, confirm that most supply services for water, power, food and medical supplies would be unavailable for a minimum of 72 hours after the earthquake. For this reason, medical supplies needed for common earthquake injuries, stretchers, blankets, flashlights and at least 72 hours potable water and non-perishable food supply will be stored at easily accessible locations in offices, business complexes, hotels and large residential structures. Heavy crow-bars, other heavy tools, and hand-operated loudspeakers will be kept in easily accessible and well-marked locations in every building and in large parking structures.

I-7d (As proposed in FEIR)

Non-structural interior elements (ceilings, partitions, light fixtures, HVAC, pipes, etc.) will be designed to withstand strong ground shaking and remain intact. This would be accomplished, for example, by selecting lightweight materials and firmly securing them to structural elements of the building and by using flexible connections for pipes.

I-7e (As modified from the FEIR)

The Port, pursuant to the Uniform Plumbing Code, requires the use of flexible utility connections and that water heaters be fastened to walls. The Port will not permit the installation of automatic shut-off valves for water supplies. The Port will require appropriate signage indicating the location of shut-off valves for natural gas, in accordance with Fire Department requirements.

I-7f (Modified from FEIR)

The Port will require fire extinguishers to be located throughout all facilities in compliance with the Fire Code. The Port will require that cabinets are not placed where they could overturn and block access to fire extinguishers. New leases will require the training of all staff of offices, hotels, industrial facilities, restaurants and entertainment complexes in the use of fire extinguishers.

I-7g (Modified from FEIR)

The Port has completed an Emergency Plan which includes earthquake preparedness and response plans, covering all development within the Project Area.

The Port will assign responsibilities for plan implementation and train all employees in plan elements. The Port will assist its tenants with earthquake preparedness and response planning and will establish thresholds, in consultation with the Fire Department and/or Health Department, for applying lease provisions that require tenants to prepare an earthquake preparedness and response plan. Some of the key provisions of an earthquake preparedness plan include the following:

- Assign responsibilities for disaster control, including primary responsible individuals and back-ups.

- Ensure that individuals with assigned responsibilities are aware of their proper roles (e.g., medical response, fire response and coordination with the Fire Department, locating the whereabouts of all individuals within an assigned area/unit, conducting periodic inspections to reduce earthquake hazards within individual work areas, and maintaining a stock of necessary emergency response supplies and equipment).

- Train all employees in self-protective behavioral response during an earthquake. Train all employees in the use of fire extinguishers.

- Inform all employees about the location of emergency response equipment and supplies.

- Train all employees to report to an emergency supervisor at a designated safe location immediately after an earthquake.

- Provide free and accessible general first aid training. Training for injuries related to spills of hazardous substances during an earthquake is included in OSHA-required Contingency Plans.

- Conduct an earthquake drill at least once a year.

Some elements of an emergency response plan include the following:

- Assign all employees a predesignated place and individual to report to immediately after an earthquake.

- Establish a search and rescue plan within designated areas.

- Establish designated areas at or near the ground floor for short-term occupancy by employees or alternatively, set up shelters in outside areas in a safe place.

- Provide battery-operated radios and televisions in these areas.

- Establish a chain-of-command and operations center for dealing with fires, spills, and damaged structures.

- Assign individuals to coordinate with the Fire Department if they arrive on-site to respond to a fire. The Fire Department may have additional requirements for emergency preparedness and response.

- Design response plans for an objective of near-regular medical service capability.

Implementation of Measures I-7a through I-7i will reduce the hazards of an earthquake to an acceptable level of risk, within the requirements of the City of San Francisco. Earthquake hazards will not be entirely eliminated, and both Alternative A and Alternative B would therefore result in significant effects related to earthquake hazards that will not be fully mitigated, by exposing increased numbers of persons to substantial danger in an earthquake.

I-8a (As proposed in FEIR)

The Port will take feasible steps to minimize potential earthquake safety risks related to hazardous materials in its operations and that of its tenants.

Specific steps may include appropriate seismic safety provisions, such as prohibiting the storage of hazardous materials in containers above head level (about five feet); anchoring hazardous materials shelves and heavy equipment to walls and floors; constructing heavy doors that are designed to remain shut during earthquake vibrations; providing hand-operable closures for vents and air ducts; and other provisions as discussed in the Association of Bay Area Governments' *Hazardous Material Problems in Earthquakes: A Guide to Their Cause and Mitigation*. Other measures will be implemented as recommended by the San Francisco Fire Department and/or Health Department. Additionally, the Port will prepare an Emergency Procedures Manual and periodically revise it to be consistent with changes in the facilities and operations.

I-8b (Modified from the FEIR)

The Port will require tenants to design all facilities for storage of hazardous chemicals in containers in accordance with City and County of San Francisco Department of Health requirements and other applicable regulations to minimize potential hazards in an earthquake. The Port will require tenants to report on compliance and will assist tenants with compliance and conduct inspections, as feasible.

Storage facilities will include safety lips to contain spills and to reduce the likelihood of contents falling. All shelves and cabinets will be secured to a wall or ceiling. All cabinets and drawers will be provided with positive latches that will not open during earthquake motions and vibrations. Compressed gas cylinders, including empty ones, will be secured to fixed features. Gas cylinders will be secured at two locations along their vertical axis, one in the top one-third of the cylinder and another in the bottom third of the cylinder.

Hazardous chemicals will be stored in approved containers and incompatible chemicals will be stored in separate areas. If chemical storage is vented by an electric fan, an alternative (emergency) means of ventilation will be provided, which may be a mechanical (non-powered) vent.

Implementation of Measures I-8a and I-8b will reduce hazardous materials-related non-structural safety hazards of an earthquake to an acceptable level of risk.

I-9a (As proposed in FEIR)

Project sponsors, including the Port, will employ an engineer qualified in earthquake engineering to incorporate into the final design of individual facilitates developed under the WLUP all economically feasible engineering methods to reduce the potential for loss of life-line services. This may include methods to improve unstable ground conditions, to strengthen infrastructure to be more resistant to earthquake induced ground movements, and to organize and prepare for earthquake response.

While specialized techniques for ground improvement to reduce likely liquefaction hazards are not practical or economically feasible over large areas, ground improvements within selected strategic sites may result in substantial hazard reduction to utility systems. In such areas a variety of ground stabilization techniques may be considered, such as compaction grouting, placement of stone columns, and deep soil mixing.

As recommended in the report to the Department of Public Works titled *Liquefaction Study, North Beach, Embarcadero Waterfront, South Beach, and Upper Mission Creek Area, San Francisco, California, January 1992*, the Port, in conjunction with the San Francisco Public Works Department and Fire Department, will consider planning pipeline system modifications such as enhancement of system redundancy with additional piping or provision of new pipe routes which avoid poor soil areas, strengthening of pipes and joints, and avoidance of contact with neighboring utilities. The recommendations of that report with regard to post-earthquake serviceability also will be considered, including subdividing the Auxiliary Water Supply System (AWSS) into north/south halves, replacing corroded tie-rods on pipelines, increasing the size of the portable water supply system, adopting a standing order to start pumps at pump stations No. 1 and No. 2 following an earthquake, designating a San Francisco Fire Department water supply officer for earthquake response, arranging a volunteer marine crew to staff the second fire boat in the event of an earthquake, adding flexible joints at water main pile-supported sewer crossings; improving AWSS fire hydrant foundations and connections; developing an automated AWSS leak detection and isolation system; reviewing current infirm areas boundaries, and hardening corridors for AWSS mains at fire boat manifolds by installing new pipes on piles.

Additional measures also recommended in that report for the Municipal Water Supply System include developing procedures to supply water to the University Mound Pressure District service area (which includes all of the Port lands north of Warm Water Cove) from adjacent pressure districts, routing a new University Mound feeder main around regions of high liquefaction potential, installing flexible joints at mains crossing over pile-supported sewers, providing a planned System Control and Data Acquisition (SCADA) system to monitor flows and detect leaks and breaks after an earthquake, and developing mutual aid agreements with other water districts. Recommended mitigation for the sewers include training sewer repair crews in emergency

response to earthquakes, maintaining an inventory of, or access to, large capacity sewage pumps, maintaining an emergency supply of construction and sewer repair materials, requiring seismic resistant material and construction for all new installations, and replacing structurally weak sewers using improved materials and construction methods in areas subject to liquefaction as part of the long range, Citywide replacement program.

I-9b (As proposed in FEIR)

For individual development projects, the use of flexible connections for utility lines may be needed (see Mitigation Measure 7.g). Back-up supplies of water, power generators, and battery-operated telecommunications equipment may need to be installed (or enlarged at the existing facilities). The engineer will recommend the appropriate approach (e.g., separate facilities and equipment or upgrading existing facilities) for all Project Area facilities.

I-9c (As modified from the FEIR)

The Port will encourage the City's Office of Emergency Services, Fire Department and Police Department to plan routes of alternative emergency access to development sites and cooperate in such planning efforts.

Available routing for emergency response vehicles needs to be quickly assessed following an earthquake and conveyed immediately to ambulance drivers, fire persons, and police officers. Consistent with the City's Civil Defense and Disaster Operation Plan, information will be provided about routing to hospitals including consideration of streets blocked by debris, collapsed or unsafe bridges, and streets rendered impassable by road damage. To prepare for such possible loss of access, the City will consider developing alternative routing concepts to reach the hospitals and familiarize ambulance drivers, fire persons, and police with the alternates.

I-10a (Modified from the FEIR)

The Port will develop and follow an inspection schedule for regular inspection and evaluation of the condition of its piers. In conjunction with the inspection schedule, a maintenance and repair schedule will be developed and implemented, within the financial means of the Port.

I-10b (Modified from the FEIR)

Piers that are in poor condition will be repaired or demolished and removed, if feasible, as determined in the capital projects budgeting process. If repaired, piles that are deteriorated will be replaced or the portion that is rotted or deteriorated should be cut off and replaced with a concrete steel sleeve. A structural engineer will be consulted regarding the repair of the piers.

I-11a (Modified from the FEIR)

At the time of anticipated tsunami incursion, the San Francisco Police Department will close off the immediate waterfront area of Aquatic Park, Fisherman's Wharf and the Hyde Street Pier to the public. The Port will request all marina operators to close off access to the docks for the public and boat owners and request ferry boat operators to prevent people from standing on water-level ferry loading docks everywhere in the Project Area.

This mitigation measure will help to reduce the potential for casualties to occur from tsunami by keeping people away from areas where injury could occur. Damage to facilities would not be mitigated.

Historic Resources

N-1 (Modified from the FEIR)

The Port Commission will incorporate language in the *Waterfront Land Use Plan's Waterfront Design & Access Element* which encourages retention and reuse of designated historic architectural resources and potentially significant resources found to be significant (pursuant to Measure N-2) and which outlines the future studies which may adequately mitigate potential significant adverse effects on historic architectural resources. In addition, the *Waterfront Design & Access Element* also includes design criteria intended to ensure that the design, materials, style, and detailing of new buildings, street furniture, and other public improvements enhance rather than conflict with historic resources.

The *Waterfront Design & Access Element* states that the Port will work with the State Historic Preservation Officer, local historic preservation organizations, and other waterfront constituencies to evaluate waterfront historic resources; nominate significant resources for formal recognition (e.g., listing in the National Register of Historic Places); and explore options for coordinating policy for these resources, including programmatic agreements for two areas of the waterfront: Fisherman's Wharf to China Basin, and Pier 70.

Within the area from Fisherman's Wharf to China Basin, the Port will:

1) Rehabilitate and adaptively reuse the following resources consistent with *The Secretary of the Interior's Standards for Rehabilitation of Historic Buildings (Secretary's Standards)*: The Ferry Building; Agriculture Building; Beltline Roundhouse; Fireboat House; Bulkhead Buildings and Connector Buildings at Piers 1-5; and Bulkheads and Pier Sheds at Piers 45 and 48.

2) Retain and develop rehabilitation criteria for other potentially significant Bulkhead and Connector Buildings, protecting them from alterations inconsistent with the *Secretary's Standards* until rehabilitation criteria are adopted.

3) Further evaluate historic Pier Sheds and other potentially significant historic resources, considering historical significance, architectural features, relationship to other historic resources, City pattern, economic development, structural condition, financial feasibility, and compatibility of reuse with maritime activities, views, public access, and other *Waterfront Land Use Plan* goals, to develop recommendations for preservation, reuse and/or replacement.

Within the Pier 70 area. the Port will:

1) Retain and reuse Union Iron Works buildings #101, 102, and 104. The Port will rehabilitate these buildings consistent with the *Secretary's Standards* if feasible.

2) Seek funding for preservation and rehabilitation of Building 113-114.

3) Take steps to stabilize potentially significant historic resources to prevent further deterioration, within the financial means of the Port.

4) Conduct further research of historic resources to analyze the potential for establishing a National Register Historic District, based on periods of historical significance, unique architectural or industrial qualities, associations with historically significant events, and feasibility of adaptive reuse.

N-2 (Modified from the FEIR)

The Port, assisted by a qualified professional, should further define which historical resources are significant and why. The policies in the *Waterfront Design & Access Element* call for two types of "identification" efforts: 1) further evaluation of potentially significant resources to identify significant historic resources, and 2) identification of specific features of historic resources which contribute to their significance. Further identification of significant historic resources could result in applications for local landmark designation, requests for determinations of eligibility for the National Register of Historic Places (National Register) by the State Historic Preservation Officer, or nominations to the National Register. Further identification of character-defining features of individual resources could help to inform the development of rehabilitation criteria. These identification efforts may be broken into reasonable phases. The Port, assisted by a qualified professional, and working with the State Historic Preservation Officer, local preservation organizations, and other waterfront constituencies, will carry out further preservation planning described below.

Within the Fisherman's Wharf to China Basin area, the Port will:

1) Identify the character-defining features of The Ferry Building; Agriculture Building; Beltline Roundhouse; Fireboat House; Bulkhead and Connector Buildings at Piers 1-5; and Bulkheads and Pier Sheds at Piers 45 and 48.

2) Develop criteria for rehabilitation and reuse of other historic Bulkhead and Connector Buildings identified in the *Waterfront Design & Access Element.*

3) Evaluate other historic resources identified in the *Waterfront Design and Access Element,* including the Piers and Pier Sheds at Piers 1, 9, 15, 19, 23, 31, 33, 26, 28, and 38, to develop recommendations for preservation, reuse or replacement.

Within the Pier 70 area, the Port will:

1) Identify the character-defining features of Union Iron Works Buildings No. 101, 102, 104, and 113-114.

2) Further evaluate the significance of resources identified as potentially eligible for listing on the National Register. The evaluation will describe district boundaries, the physical condition of identified buildings, and any qualities that might make some portions of the district (including some buildings) of greater significance than others.

N-3 (Modified from the FEIR)

The Port should develop and adopt standards for changes to historic resources. Historic preservation objectives can be achieved in the context of change and do not require "freezing" buildings and districts in time. For this reason, and because thoughtfully designed changes to significant historic resources would be less likely to have a significant effect on the environment than demolitions or insensitive alterations, the Port will develop and adopt preservation design standards regarding changes to historic resources as identified in the *Design and Access Element.*

The standards will outline the types of changes that would be acceptable for historic resources, and will likely include, but would not necessarily be limited to, one or a combination of the following treatments applied to specified historic resources:

- Retention of historic building fabric and significant architectural features.
- Retention of a building's general form and overall integrity, not just a building's facade.
- General strategies for reusing historic buildings and integrating new uses and development into and around those resources.
- Use of the State Historical Building Code where applicable.

Within the Fisherman's Wharf to China Basin area, the Port will:

1) Rehabilitate and adaptively reuse the following resources consistent with *The Secretary of the Interior's Standards for Rehabilitation of Historic Buildings (Secretary's Standards)*: The Ferry Building; Agriculture Building; Beltline Roundhouse; Fireboat House; Bulkhead Buildings and Connector Buildings at Piers 1-5; and Bulkheads and Pier Sheds at Piers 45 and 48.

2) Retain and develop rehabilitation criteria for other potentially significant Bulkhead and Connector Buildings, as identified in the *Waterfront Design & Access Element,* protecting them from alterations inconsistent with the *Secretary's Standards* until rehabilitation criteria are adopted.

3) Further evaluate historic Pier Sheds and other potentially significant historic resources, as identified in the *Waterfront Design & Access Element,* considering historical significance, architectural features, relationship to other historic resources, City pattern, economic development, structural condition, financial feasibility, and compatibility of reuse with maritime activities, views, public access, and other *Waterfront Land Use Plan* goals, to develop recommendations for preservation, reuse and/or replacement.

Within the Pier 70 area, the Port will prepare rehabilitation criteria for Buildings 101, 102, 104, and 113-114, which will apply the *Secretary's Standards* to the maximum extent feasible.

N-4 (Modified from the FEIR)

The Port will consider historic preservation objectives early in the development of proposed projects, evaluate projects against design standards for changes to historic resources and ensure that project approvals are consistent with adopted standards. Development projects which thoughtfully consider significant and potentially significant historic resources in the context of preservation objectives and standards early in their planning process would be less likely to result in demolition or insensitive alterations. To lessen or avoid significant effects upon historic architectural resources, the Port will give consideration to significant and potentially significant historic architectural resources during Step 2 of the Waterfront Plan Implementation Process (*Waterfront Land Use Plan*, Chapter 5, "Implementation of the Plan"), subject to historic resources policies contained in the *Waterfront Design & Access Element.* In addition, development feasibility, site opportunities and constraints, community and outside agency input and design issues will be analyzed and considered during this step of the implementation process. All approval actions by the Port Commission will include findings regarding a project's consistency with the *Waterfront Land Use Plan*, including the *Design & Access Element* as further amended or appended to include the conclusions of future preservation planning studies.

N-5 (Modified from the FEIR)

To prevent potential deterioration or destruction of historic architectural resources in the absence of specific proposals to restore or rehabilitate them, the Port will prioritize resources in need of repair and maintenance and fund the needed preservation work to the extent that funding is available. Repair and maintenance activities should sustain the existing form, integrity, and materials of an historic resource, and may include treatments such as rust removal, caulking, limited paint removal and reapplication of protective coatings; cyclical cleaning of roof gutter or other drainage systems; installation of fencing, protective plywood, alarm systems or other temporary protective measures; and other stabilization measures. If repair is undertaken, the least

degree of intervention should generally be applied, such as patching, piecing-in, splicing, consolidating, or otherwise reinforcing or upgrading historical materials such as masonry, wood, and architectural metals according to recognized preservation methods. Repairing may also include limited replacement in kind, or with compatible substitute material, of extensively deteriorated or missing parts of features when there are surviving prototypes (for example, brackets, dentils, steps, plaster, roofing).

**Archaeological Resources**

O-1a (Modified from the FEIR)

Initial project planning will take identification and protection of potentially significant archaeological resources into account whenever possible. Design modifications will be encouraged that reduce or eliminate excavation in sensitive areas.

O-1b (Modified from the FEIR)

Given the certainty that significant historical archaeological resources do exist in the overall Project Area generally, yet the inherent uncertainty about the specific locations and scope of such buried resources, the Port or project sponsor will retain an archaeologist as early as is practical in the site selection or schematic design stage of development projects under the Plan which will involve sub-surface excavation or other substantial soil disturbance of greater than four feet in depth, excluding submerged lands beneath the Bay. The archaeologist will prepare a brief preliminary site-specific evaluation or letter report, based on existing archival report information, assessing the archaeological sensitivity of the specific site(s) under consideration relative to the scope of excavation proposed. The archaeologist will consider the history of fill soils on the site(s) in his/her assessment of the potential for significant archaeological resources to exist and be disturbed or destroyed by the contemplated project, and make recommendations on subsequent actions designed to ensure the protection of potentially significant resources.

Based on the initial site-specific letter report, the archaeologist and the Environmental Review Officer (ERO) will determine whether a more detailed site assessment is warranted, the results of which could include an appropriate course of action necessary to minimize the disturbance to significant archaeological resources, and/or maximize information recovery where such disturbance cannot be avoided. Depending on the expected sensitivity of the area to be excavated, this could include a program of preconstruction testing, excavation determining monitoring, or both. If the ERO concurs with a preliminary evaluation determining that a project site has no potential to contain significant archaeological resources which would be impacted by a proposed development (which may commonly occur in the areas of recent fill or disturbance, such as most of the waterfront south of China Basin), then this measure will be satisfied and archaeological issues will no longer be a concern for that particular development project.

If, based on the likelihood of encountering significant archaeological resources as identified in the

site assessment report(s), the archaeologist and the ERO determine that pre-construction testing is warranted to better determine the probability of finding cultural remains, the sponsor will retain the services of an archaeologist familiar with prehistoric and urban historical archaeology, and San Francisco specifically. The archaeologist will carry out a pre-excavation testing program using a series of mechanical, exploratory borings or trenches, and/or other testing methods determined by the archaeologist and the ERO to be appropriate. Some efficiency may be possible by coordinating archaeological sampling with soil borings common to geotechnical and hazardous waste testing.

If, after testing, the archaeologist determines that no further investigations or precautions are necessary to safeguard potentially significant archaeological resources, the archaeologist will submit a written report to the ERO, with a copy to the project sponsor. If the archaeologist determines that further investigations or precautions are necessary, he/she will consult with the ERO and they will jointly determine what additional procedures are necessary to minimize potential effects on archaeological resources.

These additional mitigation measures will be implemented by the project sponsor and might included a program of on-site monitoring of all site excavation, during which the archaeologist will record observations in a permanent log. The monitoring program, whether or not there are finds of significance, will result in a written report to be submitted first and directly to the ERO, with a copy to the project sponsor. During the monitoring program, the project sponsor will designate one individual on site as his/her representative. This representative will have the authority to direct and suspend work at the site to give the archaeologist time to investigate and evaluate archaeological resources should they be encountered.

Should evidence of cultural resources of potential significance be found during the monitoring program, the archaeologist will immediately notify the ERO, and the project sponsor will halt any activities which the archaeologist and the ERO jointly determine could damage such cultural resources. Ground-disturbing activities which might damage cultural resources will be suspended for a total maximum of four weeks over the course of construction.

If prehistoric archaeological deposits are fortuitously discovered, the California Native American Heritage Commission in Sacramento and local Native American organizations will be consulted and involved in making resource management decisions. All applicable legal requirements concerning the treatment of cultural materials and Native American burials will be enforced.

After notifying the ERO, the archaeologist will prepare a written report to be submitted within 10 days first and directly to the ERO, with a copy to the project sponsor, which will contain an assessment of the potential significance of the find and recommendations for what measures should be implemented to minimize potential effects on archaeological resources. Based on this report, the ERO will recommend specific additional mitigation measures to be implemented by the project sponsor. These additional mitigation measures might include a site security program, additional on-site investigations by the archaeologist, and/or documentation, preservation, and

recovery of cultural material.

Finally, the archaeologist will prepare a report documenting the cultural resources that were discovered, an evaluation as to their significance, and a description as to how any archaeological testing, exploration, and/or recovery program was conducted.

Copies of all draft reports prepared according to this mitigation measure will be sent first and directly to the ERO for review. Following approval by the ERO, copies of the final report will be sent to the President of the Landmarks Preservation Advisory Board and the Historical Resources Information System Northwest Information Center. The Office of the Environmental Review will receive three copies of the final archaeological report.

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# CHAPTER XI

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